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ABSTRACT

During July of 1970, Emory University and the Southern Newspaper Publishers Association Foundation sponsored a seminar on school desegregation for Southern journalists. The intent was to give journalists the opportunity to increase their knowledge and understanding of the complex events they write about. Toward this end, journalists were brought together with educators and practitioners in areas of their common concern. The proceedings of this seminar were put together in book form. The essays included cover subjects ranging from the Nixon administration to desegregation in Atlanta, Georgia. The selections do reflect, however, the division of interest in the conference, which were: (1) the courts and the law; (2) politics and the federal administration; (3) educational research in desegregation; and, (4) implementation of desegregation. (Author/JW)

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School Desegregation: Retrospect and Prospect

Southern Newspaper Publishers
Association Foundation Seminar
Books, Number 5.

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SNPA Foundation Seminar Books
Southern Newspaper Publishers Association Foundation, Atlanta, Georgia

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Foreword

The Southern Newspaper Publishers Association Foundation, in cooperation with universities, conducts a program of seminars for Southern journalists. The purpose of the seminars is to give those whose responsibility it is to report, edit and comment on the news the opportunity to increase their knowledge and understanding of the complex events with which they deal in their work. Toward this end, journalists are brought together with educators and practitioners in areas of their common concerns.

The primary objective of the seminars is the exchange of information and discussion among those in attendance. When the proceedings at a seminar produce appropriate materials, they are published in book form. In this way the SNPA Foundation makes available to a wider audience the knowledge and insights developed at seminars.

This volume is the fifth in the series of SNPA Foundation seminar books. It is the product of a seminar held at Emory University, July 19-22, 1970. Norman C. Smith, vice president for development and planning at Emory, is the University's official representative to the SNPA Foundation Journalists Education Project and was in charge of general arrangements for the seminar. Dr. Eugene C. Lee, associate professor and acting director (1969-1970) of the Division of Educational Studies at Emory, was program chairman and presiding officer for the seminar. He also is editor of this book.

The SNPA Foundation will add to this series of books as a contribution to increased knowledge and better understanding of the great social, economic, political, scientific, artistic and environmental issues of our time.

Reed Sarratt
Executive Director
SNPA Foundation

Preface

The summer of 1970 was a period of turmoil and torment for the American public. Several issues which had festered for some time seemed to come to a head. Campus unrest and violence had reached its highest level of activity during the previous spring. Protest and dissension over the war in Indo-China was still a growing malignancy in the society. The general economy continued its downward trend with uncertainty and instability as its primary characteristics. Added to these critical issues were the problems faced by the public schools in the area of desegregation.

It had been sixteen years since the famous *Brown* decision by the Supreme Court struck down the concept of separate but equal schools. Under four different administrations, Eisenhower, Kennedy, Johnson and Nixon, problems in implementing this decision had been attacked with varying degrees of interest and success. Public schools and school officials during this sixteen-year period faced many complex and difficult situations. Various pressure-and special interest-groups raised their voices in loud protest. The changing pattern of racial composition in urban centers added to the confusion and concern. Some school systems were willing but unable to implement desegregation requirements. Others attempted evasion, employing a variety of diversionary tactics. The lack of definitive criteria, uncertainty as to legal interpretations and differentiation in enforcement from Washington only added to the confusion. In addition, ques-

tions of *de jure* versus *de facto* desegregation expanded the problem from just the South to include other areas of the nation.

Confusion was the keynote as schools closed in the spring of 1970. Conflicting and often confusing court rulings worked a hardship on school systems attempting to ready themselves for September openings. Rapidly changing or delayed administrative guidelines made their task even more difficult. School administrators, operating in the best of faith, at times simply did not know how to proceed.

During July of 1970, Emory University's Division of Educational Studies jointly with the Southern Newspaper Publishers Association Foundation and the Race Relations Information Center sponsored a seminar on school desegregation. This seminar was for journalists from the Southern states covered by the SNPA Foundation. The journalists present were from geographical areas in which school desegregation was a critical problem and of prime interest to their readers.

The conference itself was divided into four major components relating to school desegregation: 1) The courts and the law; 2) politics and the federal administration; 3) educational research in desegregation; and 4) implementation of desegregation.

The first component on the law and the courts included presentations by Judge J. Braxton Craven, Jr., U.S. Fourth Circuit Court of Appeals; Dr. T. A. Smedley, professor of law, Vanderbilt University; and Mr. John Walker, attorney, Little Rock, Arkansas, a civil rights lawyer.

The panelists in the second component, politics and the federal administration, were Mr. James K. Batten, Knight newspapers; Mr. Stanley Pottinger, director, Office of Civil Rights, Department of Health, Education, and Welfare; and Mrs. Ruby Martin, Washington Research Project.

Mr. Meyer Weinberg, Editor, *Integrated Education*, and Mr. John Hayman, director of research, Council of the Great City Schools, presented the third component, educational research in desegregation.

The concluding session, implementation of desegregation, was presented by Mr. Carl R. Hines, school board

member, Louisville, Kentucky; Dr. John Letson, superintendent, Atlanta, Georgia, Public Schools; Mr. J. D. Prince, Superintendent, McComb, Mississippi, Public Schools; and Mr. Victor Solomon, associate national director, Congress of Racial Equality.

This volume contains the presentations made at the seminar by these speakers. It begins with an overview prepared by Mr. Robert F. Campbell, of the RRIC, Nashville, Tennessee. The remaining papers are presented in the four categories described above. Each of these individuals brought to the conference his own unique perspective of the current situation in school desegregation. Taken as a group, they provided a fascinating insight into the past, present and, in some cases, future prospects for our schools.

Eugene C. Lee
Seminar Chairman,
Associate Professor,
Division of Educational Studies
Emory University

Sixteen Years, Two Months and Three Days

Robert F. Campbell

It has been sixteen years, two months and three days since the United States Supreme Court declared that "separate educational facilities are inherently unequal." To those of us who have lived as adults through this period, it sometimes seems like half a century.

Think of the people who pass in review as we let our minds travel back over the years. There was, first of all, Oliver Brown, the father of one of the children in Topeka, Kansas, for whom admittance was sought to an all-white school. There was Earl Warren, who wrote the opinion and who gave his name to a Supreme Court. There was Orval Faubus, whose actions made him a symbol of resistance to the inevitable. There was John Kasper, who had his day in the sun in Clinton, Tennessee. There was Thurgood Marshall, who successfully fought case after case through the courts. There was Daisy Bates, the persistent president of the Arkansas NAACP.

And there were places whose names leap out from the maps of the South— Clay and Sturgis, Ky., Little Rock, Prince Edward County, New Orleans and, more recently, Lamar, S.C.

There was a whole glossary of new words added to our everyday vocabulary—or old words with new meanings: Massive resistance, interposition, freedom of choice, neighborhood school, the Southern Manifesto, desegregation, integration and so on.

There were predictions back in 1954 of the turbulent years that lay ahead.

Justice Robert H. Jackson, a member of the "Warren Court," foresaw "a generation of litigation" growing out of the school segregation cases. If the span of a generation is about thirty years, we can see from this sixteen-year vantage point that his prediction was probably conservative. Governor White of Mississippi promised that his state was "never going to have integration in its schools." Attorney General Lindsay Almond of Virginia, who later became his state's governor, promised "a fight to the finish" and asked for state laws to help him in his fight. He got them, as did virtually every other state official who tried to stave off desegregation in the schools, but they proved useless except as tools for delay.

I remember so well hearing Dr. Benjamin Mays, then president of Morehouse College and now chairman of the Atlanta School Board, speaking at a luncheon session of the National Conference of Editorial Writers in Asheville, North Carolina, in the fall of 1954. Dr. Mays said that the day was coming when all of us would "laugh and laugh" over all of our wrangling about segregation and desegregation. Dr. Mays is a wise man and he may have been right, but he must have known that many, many tears would have to be shed before the laughing started.

Anthony Lewis in his book, *Portrait of a Decade—The Second American Revolution*, called the ten-year period ending in 1964 the "years of purgatory." Reed Sarratt titled his book on the same period *The Ordeal of Desegregation*, explaining that "for almost everyone, of whatever persuasion or race, the process of change was an ordeal." Today, it appears that we haven't completed our time of ordeal in purgatory.

I

The statistics of school desegragation have been a concern—one might almost say a preoccupation—of Southern Education Reporting Service and its successor, the Race Relations Information Center, for the past sixteen years. For most of this period, SERS was the only agency that collected and published statistics for the seventeen Southern and border states and the District of Columbia. More recently, the federal government—with its big stick and its big computers—has taken over the

job. SERS, and now RRIC, took on the job of prodding the feds to get the kind of statistics that are needed and to release them promptly. If we have not always been successful, it is not for lack of persistence, as a number of harried bureaucrats and ex-bureaucrats will testify.

As we all know, statistics are often used in the way a drunk uses a lamp post—more for support than illumination. This seems especially true of statistics by race. For instance, government compliance officers can point to a steady rise in the proportion of Negro children in school with whites. In 1960, only two out of every thousand Negro children attended schools with white children in the eleven Southern states. In 1965—the year after the passage of the Civil Rights Act—that number had risen to sixty-one children per thousand. By 1968, the latest year for which full statistics are available, it was up to 320 per thousand. Also by 1968, 184 black children out of every thousand were attending schools whose student bodies were *majority white*—schools which met the government's revised definition of a "desegregated school."

While all of this was taking place, it was a fact as recently as 1967 that in the Southern and border states the *number* of Negro children (as opposed to the *percentage*) attending all-Negro or mostly Negro schools was substantially larger than in 1954. And for the nation as a whole, it is a fact there is more racial segregation in public education today than there was in May 1954.

Thus it is possible to say, as President Nixon said in his statement of March 24, 1970, that: "Though it began slowly, the momentum of school desegregation has become dramatic."

And it is also possible to say, as Professor Thomas Pettigrew of Harvard University said before a Senate committee two months ago: "Public schools in the United States are rapidly becoming less, not more, heterogeneous both in terms of race and social class."

So we have whites, in the North as well as in the South, complaining that the Nixon administration (the villains used to be, in reverse order, the Johnson administration, the Kennedy administration, yes, the Eisenhower administration) is running roughshod over their rights.

And we have blacks becoming more and more disillu-

sioned about the once-shining hope of a truly integrated educational system. A black educator speaks for many of these people when he says: "Integrated education has largely been a subterfuge for white supremacy; little systematic effort has been undertaken to help black and white students relate as equals. Little has been done to help black and white students obtain the skills and desires to help solve the nation's problems without becoming a part of the problem themselves."

So it is that we hear blacks talking less and less these days about integration and more and more about community control of black institutions, including the schools; less and less about joining a white-dominated society and more about the virtues of blackness.

II

Fifteen years ago, or even ten years ago, the issues were so much simpler. You didn't even need a program to separate the good guys from the bad guys. If you were an integrationist, the villains were those segregationists who were trying to maintain the *status quo*, who were fighting against equal educational opportunity. And if you were a segregationist, you had to contend with those misguided people who were trying to impose some extreme sociological theory on the nation, with the eventual goal of amalgamating the human race.

Nowadays, though, the good guys and the bad guys are all mixed up, and although we may have our personal heroes and villains, it is not nearly so easy to fit the rank and file into convenient slots.

A visitor from another planet, arriving on a scene beset by so much confusion, might assume that the one constant among all the variables would be the law, which Sir Edward Cole called "the perfection of reason." But, as all of you know, that is not the case. The Supreme Court said in 1954 that"separate educational facilities are inherently unequal" and it has reiterated that statement in various ways since then.

The law, however, has hardly begun to eliminate racial separation—racial isolation, the Commission on Civil Rights calls it—in the public schools. A fine, but not always consistent, distinction is drawn between *de facto*

and *de jure* segregation—the one being permissible (with some exceptions) and the other prohibited. As a result, different standards are established for schools in the North and South, in cities and in rural areas, in majority-black districts and majority-white districts. The requirements imposed by judicial decree or by administrative ruling on one school system differ so widely that one wonders what the judges and the administrators use as guidebooks.

In the midst of this confusing, contradictory legal picture comes what *Newsweek* has called the Administration's "summer offensive"—an offensive designed to make good on the government's promise to end *de jure* segregation by the start of the 1970-71 school year. The developments come thick and fast: lawsuits against dozens of recalcitrant school districts, a ruling denying tax-exemption to segregated private schools, promises by administration officials that 97 per cent of the black students in the eleven Southern states will attend school in "unitary systems" his fall.

The skeptics, though, have yet to be convinced that all this activity is not just so much "sound and fury, signifying nothing." Just a few weeks ago, one of the more articulate skeptics, Julian Bond of Atlanta, warned that "the massive intregation expected this fall will be nothing more than a fraud perpetrated under a guise of paper compliance."

III

And so, sixteen years later, though the Supreme Court decision still stands, the nagging questions that have risen in its wake are still being debated, often to the detriment of the nation and its children, questions like:

Where does integration belong in the list of educational priorities?

Does integration in the classroom always promote equal educational opportunity?

Are the schools being asked to bear too much of the burden of social change?

Are some parts of the country, and some people, being made the victims of a double legal standard, which seeks

to make a distinction between segregation by law and segregation by fact?

These questions, and others that will be raised in our discussion here, are probably subordinate to the overriding domestic question of our time:

Is it possible to achieve the goal of establishing a single society in the United States, or are we doomed to continue the movement, which the Kerner Commission cited, toward two societies, one black, one white—separate and unequal?

Through a Looking Glass: The Constitutional Imperative

J. Braxton Craven, Jr.

I am not sure that I know what the question is in the school cases, but we might as well start with "What is a unitary school system?" I had thought until recently that a unitary school system had not been defined, but we have it on the highest authority now, from none other than Chief Justice Burger, that it has been. The definition stated in his recent concurring opinion in *Northcross v. Memphis*[1] is that a unitary system is one in which "no person is to be effectively excluded from any school because of race or color." I have some difficulty with the *Memphis* definition and so, indeed, does the Chief Justice. He calls it "cryptic," which makes me think of what Humpty-Dumpty said to Alice: "When *I* use a word it means just what I choose it to mean—neither more nor less."[2]

The foregoing definition of a unitary system—"one within which no person is to be effectively excluded from any school because of race or color"—has a pleasant ring to the ear and unquestionably expresses a noble aspiration to which the majority of Americans, black and white, can bear allegiance. But as the Chief Justice himself recognizes, in the very same paragraph in his concurring opinion in *Memphis*, it is not an easy definition to apply to a given fact situation. It is sort of like defining a dog as a quadruped mammal. That is perfectly true, but it does not help you distinguish one from a cat.

In *Memphis* the Chief Justice, although insisting that the Court had defined a unitary system, frankly recog-

nized that the Court has not yet clearly distinguished the dogs from the cats (The Chief Justice enumerated the unanswered questions which I will come to later on).

I

It is not at all surprising that the Court has not quickly and finally answered the practical questions. It should not distress, I think, even the most ardent advocate of civil rights that sixteen years after *Brown* we still do not know how and to what extent the decision must be implemented. Interpretations of the Constitution, like the Constitution itself, are intentionally, I think, framed in the broadest terms. The Court is far too wise to fall into the error of precision. The Court sometimes means precisely what it means, neither more nor less, and quite sensibly is willing to take the time to allow the inferior courts to experiment with words, giving content and meaning to the doctrine which has been expounded. The truth about it is that the Court is wise enough to know that it does not know precisely what ought to be done and must be required. Like the rest of us, the Court learns from experience—the experience of the inferior federal courts. Trial balloons constantly soar aloft from the United States District Courts. Some are shot down in flames by the courts of appeals, e.g., *Briggs v. Elliott*,[3] while others are allowed to orbit indefinitely. My own court thought a decade ago that "freedom of choice" might be the complete and adequate answer to the duty of implementation, but experience showed that it did not work effectively in all fact situations, and finally the Supreme Court itself dealt it a near mortal blow in *Green v. New Kent County*.[4] Incidentally, it may be significant that Mr. Justice Black's injunction given in the rural context of *New Kent*, "neither black schools nor white schools, just schools," was not repeated as the definition of a unitary system in the urban context of *Memphis*. Implementing new constitutional dogma is largely a matter of trial and error—with the lower courts trying and the Supreme Court calling the errors.

The major difficulty with school cases arises out of the

thought necessity of making the Constitution speak affirmatively[5] rather than with its traditional negative voice.[6] Until recently the Constitution has been more like the Ten Commandments than the Sermon on the Mount. Constitutional dogma has ordinarily been framed in terms of "thou shalt not."

E.g., Thou shalt not deny trial by jury.

E.g., Thou shalt not unreasonably search and seize.

E.g., Thou shalt not inhibit freedom of speech and press.

E.g., Thou shalt not deny the right to vote.

E.g., Thou shalt not burden interstate commerce.

E.g., Thou shalt not make any law respecting an establishment of religion.

When constitutional dogma is reframed in the affirmative, all sorts of practical problems arise. Judicial innovation in problem solving is at least as old as John Marshall. The affirmative conception of the Constitution is not new, but with increasing intellectual honesty has become more visible in recent years. Being honest is great but it shouldn't obscure valid theory that even now limits judicial power. Fundamentally it is still true that courts exercise only a veto power in the constitutional domain. In school cases the positive duties arise out of the negative command: thou shalt not practice invidious discrimination in the public schools. The courts have never said that the states must provide public schools or even public school buses:[7] only that *if* they do, it must be on a non-discriminatory basis.

Brown I[8] was argued to the Supreme Court December 8-11, 1952, reargued December 7-9, 1953, and decided May 17, 1954. It overruled *Plessy v. Ferguson*[9] and held that segregation of children in public schools solely on the basis of race deprived the children of the minority group of equal educational opportunity. The Court postponed for further argument the question of whether an appropriate decree should provide that "within the limits set by normal geographic school districting, Negro children should forthwith be admitted to schools of their choice" or whether the Court might "permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions."

Brown II,[10] decided May 31, 1955, reiterated "the fundamental principle that racial discrimination in public education is unconstitutional . . . ." It held that "all provisions of federal, state or local law requiring or permitting such discrimination must yield to this principle." The Court put upon school authorities "the primary responsibility" for making "the transition to a system of public education freed of racial discrimination." The Court contemplated difficulties with "the school transportation system" and "revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis."

II

The first gloss of any consequence rubbed on *Brown* I and II was that of Chief Judge Parker of my court in *Briggs v. Elliott*.[11] Not surprisingly in that era, Judge Parker took the traditional negative approach to the Constitution and wrote that "the Constitution does not require integration. It merely forbids discrimination."[12] With that rubric freedom of choice was a foregone conclusion and apparently a complete answer. Pretty soon people began talking about *de facto* and *de jure* segregation,[13] and this distinction was thought, and may still be thought in some high places, to justify continued segregation in the North while requiring some integration in the South to dismantle formerly dual school systems.[14] The flaw in the *de jure-de facto* dichotomy is that from the moment *Brown* I was announced all federal, state and local laws requiring or permitting segregation were void and of no effect. On and after May 31, 1955, there plainly could be, it seems to me, no *de jure* racial discrimination in any school system in the United States. What was left, North and South, was segregation in the schools in fact.[15] The *de jure* concept was never of any importance except as a handle upon which to hang state action and an affirmative duty to dismantle. If one accepts an affirmative conception of the Constitution, the *de jure* idea becomes worthless, and distinctions, North and South, intolerable.

If separation by race in the public schools renders

educational opportunities inherently unequal (the constitutional fact of *Brown* I), it seems to me to be purely of historical interest and wholly irrelevant how the practice originated, whether by law, custom or ghetto economics. It is inescapable that an all-black school in Baltimore is just as unequal as an all-black school in Atlanta. Since *Brown* I is not subject to reargument, and indeed has been generally accepted by the majority of Americans, I think we can more profitably concern ourselves with what is reasonably practicable for a school board to do to correct inequality of educational opportunity—North and South—rather than having our attention diverted to how a particular school system may have got that way. Moreover, I think it is not necessary to disregard history in order to arrive at the same conclusion. People are pretty much the same everywhere, and race prejudice now and in the past has not been confined to the Southern part of the United States. If South Carolina had laws to enforce segregation and New York did not, it may have been simply because New York didn't need them to pretty well accomplish the same result, i.e., the Harlem ghetto may have accounted for as many all-black schools as existed in half of South Carolina.

III

Although we do not yet know all the answers, we do have some that can be stated with a relative degree of certainty:

E.g., no school system may lawfully operate a dual school bus system with a "white" bus and a "black" bus traveling the same roads to pick up children of different colors.[16]

E.g., no school district may be deliberately gerrymandered into zones to include and exclude whites and blacks for the purpose of continuing segregation.[17]

E.g., no school having in it black pupils can segregate them in one classroom or deny them equal access to all school activities, including athletics.[18]

E.g., no qualified Negro applicant may be denied a teaching position because of race.[19]

E.g., so-called black schools may not be closed and the

black teacher complement dismissed without providing black teachers fair and equal employment opportunity in the other schools in the system.[20]

E.g., new schools must be located and constructed so as not to perpetuate segregation.[21]

What we don't know has been authoritatively stated by the Chief Justice in *Memphis*. The unanswered questions are these:

(1) "Whether, as a constitutional matter, any particular racial balance must be achieved in the schools?" May and/or must a school board reassign pupils from their own neighborhood schools to schools located at distant points for the purpose of achieving integration? How far is too far? May a school board be required to provide bussing to distant schools for those who want it for the purpose of getting an integrated education?

(2) To what extent, if at all, may a school board gerrymander zones for the purpose of achieving integration? To what extent may it be required to do so?

IV

It seems doubtful to me that there is any unconditional right to racial balancing in the schools, or put differently, it may be that any such right must be balanced against cost and inconvenience and educational purposes other than integration for its own sake. While no one would seriously suggest, absent a non-invidious reason, that a black school and a white school located back-to-back may be continued as separate institutions, neither has it been urged yet, so far as I know, that a new bridge must be built over Puget Sound or San Francisco Bay to permit pairing of black and white schools.

The limits of practicability dictate, perhaps, that courts can require the states "to remedy only the harmful [racial] imbalance that is also unjustified"[22] by rational considerations of time, space, and money.

Let me stop on a plaintive note: nobody knows the trouble I've had, and will continue to have, figuring out whether a school system is unitary. But its worth it. Indeed, I can't think of anything more worthwhile than the efforts of all of us to understand and help implement the dream that this be one nation, indivisible, with liberty

and justice for all, and that is what constitutional law is all about.

[1]*Northcross v. Memphis Board of Education*, ... U.S. ... (March 9, 1970).
[2]Lewis Carroll, *Through the Looking Glass.*
[3]*Walker v. School Board of Brunswick Co.*, 413 F. 2d 53, 54 n. 2 (4th Cir. 1969).
[4]391 U.S. 430 (1968).
[5]Note, "Desegration of Public Schools: An Affirmative Duty to Eliminate Racial Segregation Root and Branch," 20 Syracuse L. Rev. 53 (1968). For an analysis of affirmative constitutional duties under the Fourteenth Amendment, See Justice Goldberg concurring in *Bell v. Maryland*, 378 U.S. 226, 286 (1964).
[6]The traditional view of the Constitution as a series of limitations upon government was recently epitomized by Justice Black's dissent in *Goldberg v. Kelly*, ... U.S. .... (March 23, 1970):
"[E]arly settlers [in America] undertook to curb their governments by confining their powers within written boundaries, which eventually became written constitutions. They wrote their basic charters as nearly as men's collective wisdom can do so as to proclaim to their people and their officials an emphatic command that thus far and no farther shall you go; and where we neither delegate powers to you, nor prohibit your exercise of them, we the people are left free.
[7]*Sparrow v. Gill*, 304 F. Supp. 86, 90 (M.D.N.C. 1969).
[8]*Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).
[9]*Plessy v. Ferguson*, 163 U.S. 537 (1896).
[10]*Brown v. Board of Education of Topeka*, 349 U.S. 294 (1955).
[11]132 F. Supp. 776 (E.D.S.C. 1955).
[12]"[I]t is important that we point out exactly what the Supreme Court has decided and what it has not decided in this case. It has not decided that the federal courts are to take over or regulate the public schools of the states. It has not decided that the states must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the state may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches. Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discriminaton. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The Fourteenth Amendment is a limitation upon the exercise of power by the state or state agencies, not a limitation upon the freedom of individuals." *Briggs v. Elliott*, 132 F. Supp. 776, 777 (E.D.S.C. 1955).

The three judge court in *Briggs* ordered only freedom of choice:

"[I]t is ordered, adjudged and decreed that the provision of the Constitution and laws of the state of South Carolina requiring segregation of the races in the public schools are null and void because violative of the Fourteenth Amendment to the Constitution of the United States, and that the defendants be and they are hereby restrained and enjoined from refusing on account of race to admit to any school under their supervision any child qualified to enter such school. From and after such time as they may have made the necessary arrangements for admission of children to such school on a non-discriminatory basis. Id. at 778.

[13]See, generally, "The Conundrum of De-Facto and De-Jure Segregation," 18 De Paul L. Rev. 305 (1968).

[14]See, e.g., *Deal v. Board of Education* 369 F.2d 55 (6th Circuit 1965); *Gilliam v. School Board*, 345 F.2d 235 (4th Cir. 1965); *Downs v. Board of Education* 336 F.2d 988 (10th Cir. 1964); *Bell v. School City*, 213 F. Supp. 819 (N.D.Ind.), Aff'd 324 F. 2nd 209 (7th Cir. 1963). But cf., *Hobson v. Hansen*, 269 F. Supp. 471 (D.D.C. 1967), *Barksdale v. School Comm'n.*, 237 F. Supp. 543 (D. Mass. 1963); *Blocker v. Board of Education*, 226 F. Supp. 208 (E.D.N.Y. 1964).

[15]See, "Comment, De Facto Segregation—A Study in State Action," 57 *Northwestern University Law Review* 722 (1937); Note, "De Facto Segregation—the Courts and Urban Education," 46 N.C.L. Rev. 89 (1967).

[16]E.g., *Kelley v. Altheimer Public School Dist.*, 378 F.2d. 483 (8th Cir. 1967).

[17]E.g., *Monroe v. Board of Comm'rs., City of Jackson, Tenn.*, 380 F.2d 955 (6th Cir. 1967).

[18]E.g., *Felder v. Harnett County Board of Education*, 409 F.2d 1070 (4th Cir. 1969); *U.S. v. Savannah Board of Education* 405 F.2d 925 (5th Cir. 1967).

[19]*U.S. v. Jefferson County Board of Educ.*, 372 F.2d. 836 (5th Cir 1966).

[20]*Wall v. Stanley County Board of Educ.*, 378 F2d. 275 (4th Cir. 1967).

[21]*Wheeler v. Durham County Board of Education*, 346 F.2d 768 (4th Cir. 1965).

[22]Fiss. "Racial Imbalance In The Public Schools: The Constitutional Concepts," 78 Harvard L. Rev. 564, 613 (1965).

Legal Aspects of Desegregation

T. A. Smedley

If it be true that "all the world's a stage," then the drama entitled "School Desegregation" must be one of the most significant presentations of our time. It has everything a great show needs: A cast of thousands, skilled and famous actors—including Governors, Presidents and Supreme Court Justices—an intricate plot, a variety of morals to teach, plenty of tragedy and comedy, pathos and ethos, poignancy and blatancy, and above all, suspense—interminable suspense.

From the standpoint of the development of the law, the federal courts have been the main characters in the play, though it is difficult to classify them as either the heroes or the villains. Indeed, they are cast in both roles, depending on the pre-dispositions of the individual members of the audience. In the legal context of the play, they certainly have carried the burden of the action and have spoken the most lines.

True it is, that in one of the most thrilling scenes, Congress charged onto the stage in the role of a knight in shining armor; but after fighting off a dreaded filibuster and striking one mighty blow against the dragon dubbed "Racial Segregation," Congress retired into the wings, leaving the judiciary to deal as best it could with the intensified fury of the wounded beast.

During the early acts of the play, the character called "Executive Department" seemed to be possessed with a bad case of stage fright, and made only a couple of wordless appearances as a spear-carrier (National Guard

brand). Later on, an impudent fellow nicknamed "HEW," performing on behalf of Executive Department, became an important force in advancing the plot; but more recently HEW has come under some suspicion as being a somewhat unreliable character.

And so the principal actors in the formulation of the law of school desegregation have been, are, and apparently will continue to be the federal courts—sometimes acclaimed and sometimes maligned by the critics for their performances, but always the victims of an unpredictable plot fashioned by an author named Everyman, who doesn't seem to know quite how he wants the story to end.

I

As I see the unfolding of this strange plot in historical perspective, it begins with a Prologue dated 1896, when the United States Supreme Court, apparently speaking on behalf of playwright Everyman of that day, declared that state-imposed segregation of the races on a separate-but-equal basis did not violate the Fourteenth Amendment guarantee of equal protection of the laws for all citizens of the nation. This was the case of *Plessy v. Ferguson* [163 U.S. 537 (1896)], in which the ambiguous language of the Equal Protection Clause was construed by the Court in accordance with its sociological and psychological predilections as well as its concepts of constitutional law. In the process, the Court uttered some language which sounds strange to the 1970 ear: "Laws permitting, or even requiring, [the separation of the races] in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other. . . . We consider the underlying fallacy of [the Negro] plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the [segregation statute in question], but solely because the colored race chooses to put that construction upon it."

The opening lines of Act I, spoken in 1954, are familiar by now: "We conclude that in the field of public education the doctrine of 'separate but equal' has no place.

Separate educational facilities are inherently unequal." Explicitly rejecting the sociology as well as the law expounded in *Plessy v. Ferguson,* the Supreme Court in *Brown v. Board of Education* [347 U.S. 483 (1954)] declared that: "To separate [Negro children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." The result of such state-enforced segregation of Negro students was concluded to constitute a deprivation of equal educational opportunity and a denial of equal protection of the laws, in violation of the Fourteenth Amendment.

After waiting a year to allow the monstrous import of its ruling to be recognized, the Supreme Court in the second *Brown* decision charged the lower federal courts with the duty of requiring local school officials to "make a prompt and reasonable start" in the desegregation process, and to exercise good faith in establishing nonracial school systems "with all deliberate speed" and "at the earliest practicable date." [*Brown v. Board of Education,* 349 U.S. 294 (1955).]

At this point, the Court thought it sufficient to observe mildly that "it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them." However, three years later, in the Little Rock case [*Cooper v. Aaron,* 358 U.S. 1 (1958)], it had to speak in bolder terms, declaring that "the constitutional rights of children not to be discriminated against in school admission on grounds of race or color . . . can neither be nullified openly and directly by state legislators or state executive or judicial officers, nor nullified indirectly by them through evasive schemes for segregation whether attempted 'ingeniously or ingenuously'."

Considered in retrospect, this observation appears as an unwitting preview of most of the action in the middle scenes of the unfolding drama. For, in spite of the Supreme Court's confident assertions, the federal judiciary, during the decade of 1956 to 1966, was involved continuously in a running battle against a variety of ingenious and ingenuous attempts to prevent, obstruct, frustrate and undo school desegregation.

II

The first efforts at enforcement of the *Brown* case principle in most areas of the South were directed toward breaching the wall of "massive resistance" to any school desegregation whatsoever. The main goal here was to achieve at least token changes in the traditional pattern of total exclusion of Negro students from public schools attended by white students; and the principal devices employed in implementing—and resisting—this initial revision of the rigid dual school system were the pupil assignment statutes, the pupil transfer privileges, and the freedom-of-choice plans, first installed in selected schools on a one-grade-a-year basis and later grudgingly applied to all grades and all schools in the system. During this middle period, when in many areas the resistance to school desegregation was barely short of open defiance of the law of the land as delineated in the *Brown* case, the emphasis in the school litigation rested on determining what type of *plans* or *systems* would be acceptable to the various federal judges as indicating that school officials were showing good faith in proceeding toward desegregation with that undefined quality called "all deliberate speed."

True to its word that the lower federal courts should play the leading roles in applying the basic constitutional principles to the specific problems of individual school districts, the Supreme Court spoke only infrequently in those days. For almost five years after the Little Rock case (September, 1958 to June, 1963), the high Court did not hand down a single school desegregation decision. In mid-1963 it made two brief appearances on the stage: first, in *McNeese v. Board of Education of Cahokia, Ill.* [373 U.S. 668 (1963)], it broke the back of the pupil assignment statute method of delaying desegregation, by holding that the slow, expensive, and generally futile state administrative remedies set up by these statutes need not be exhausted as a prerequisite to resorting to the federal courts for vindication of the right to be free from racial discrimination in public schools; and second, in *Goss v. Board of Education of* Knoxville, Tenn. [373 U.S. 683 (1963)], it destroyed the minority-to-majority transfer privilege which had served

as an escape hatch for the few white students who had been assigned to predominantly Negro schools, holding that this device inevitably operated to perpetuate racial segregation, in violation of the Equal Protection Clause. One year later, the Court, in *Griffin v. County School Board of Prince Edward County, Va.* [337 U.S. 215 (1964)], nulliffied the tuition grant scheme for frustrating school desegregation, by holding that the use of public funds to pay tuition expenses of white children enrolling in segregated private schools in order to avoid attending integrated public schools is unconstitutional. It may be worth noting that Justice Black, in writing the opinion in this case, observed in passing that: "The time for mere 'deliberate speed' has run out. . . ." Late in 1965, the Court spoke out in *Bradley v. School Board of Richmond, Va.* [382 U.S. 103 (1965)] on the issue of faculty desegregation, indicating that integration of teaching staffs, as well as integration of student bodies, is an essential step in the abolition of a dual school system. Once again a time warning was issued: "Delays in desegregation of school systems are no longer tolerable." These were the only significant Supreme Court rulings in the school desegregation field between 1958 and 1968.

III

Left without the benefit of more firm stage direction, the federal trial and appellate courts made countless and sometimes aimless entrances upon and exists from the scene. Employing the advantage of hindsight, the viewer can discern two sub-plots emerging from these seemingly unrelated bits of action. First, by a gradually established accord between the courts and public school officials, the basic means or method of achieving desegregation came to be the freedom-of-choice system of pupil assignment. The Courts of Appeals of the four affected circuits (4th, 5th, 6th, and 8th) all reached their separate conclusions that this system, in theory at least, could satisfy constitutional requirements. However, wide differences of opinion were entertained in regard to what constituted an adequate freedom-of-choice arrangement. Second, the emphasis of the standards applied by these courts shifted from *methods* to *results*.

Thus, by 1967, the courts were requiring more than a theoretically sound minimal plan, and had begun to demand a showing of substantial actual desegregation of all aspects of the public school system—not only in pupil assignment, but also in faculty assignments, bus transportation, conduct of extra-curricular activities, use of school facilities, and so on. To be valid, freedom of choice had to provide the students with a free choice of schools in actuality, unobstructed by either official devices or community pressure; and freedom of choice was no longer an end in itself, but rather was a means to the end of establishing a unitary, nonracial system of schools. [See generally, *Bowman v. School Board of Charles City County*, 382 F.2d 326 (4th Cir., 1967); *U.S. and Stout v. Jefferson County Board of Education*, 372 F.2d 836 and 380 F.2d 385 (5th Cir., 1966 and 1967); *Kelley v. Altheimer Public School District*, 378 F.2d 483 (8th Cir., 1967).] Further, it was generally agreed among the Courts of Appeals that: "Officials administering public schools . . . have the *affirmative duty* under the Fourteenth Amendment to bring about an integrated unitary school system in which there are no Negro schools and white schools—just schools. . . . In fulfilling this duty it is not enough for school authorities to offer Negro children the opportunity to attend formerly all-white schools. The necessity of overcoming the effects of the dual system . . . requires integration of faculties, facilities, and activities, as well as students." (Second *Jefferson County* case, cited above.)

IV

In the midst of these agonizing efforts of the courts to give some definite direction to the plot, Congress finally made its gallant entrance, so to speak—in the form of the Civil Rights Act of 1964—its only significant piece in the entire play. In Title IV of the statute, Congress in two ways tacitly expressed its recognition of the validity of the constitutional principle of the *Brown* case. First, the U.S. commissioner of education was authorized to use various means of encouraging school desegregation and of easing the practical problems attendant on desegregation of local school systems—mostly through providing

financial assistance and counseling service [Secs. 402-406]; and, second, the U.S. Attorney General was empowered, under specified circumstances, to bring civil suits in the name of the United States to prevent racial discrimination in the operation of public schools and colleges [Sec. 407]. The first element has had little observable effect on the desegregation process; but the second served as a basis for bringing the power of the federal government to bear in many cases in which individual citizens were attempting to bring about the elimination of dual school systems. More subtle in approach but more effective in result was Title VI of the statute, which does not include the words "school" or "college" in any section, but which could be applied to the operation of most of the schools and colleges throughout the nation. The Title bares its fierce teeth in the opening sentence: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

While these are the only two parts of the statute direcly related to school segregation, it seems clear that the enactment of Title II and VII, prohibiting racial discrimination in public accommodations and in employment, provided a strong, if indirect, stimulus to integration in public educational facilities. For here, at long last, the legislature had come to the support of the embattled judiciary. And as the elective, representative, and policy-making branch of the government, Congress expressed, ostensibly at least, the opposition of the people of the nation to racial discrimination.

Further, with the passage of the Civil Rights Act our silent and stage-frighted character, "Executive Department," suddenly found its voice and bolstered its courage. The belated efforts to carry out its constitutional function to enforce the law took two forms: First, the Justice Department promptly stepped into the spotlight with an extensive campaign of prosecution of federal court suits to force recalcitrant school officials to begin or extend the desegregation of their schools. Generally, this process was carried out by the tedious means of bringing

a separate suit against each individual school district; but late in 1969 the Attorney General instituted an action against the public education system of the entire state of Georgia, and obtained a comprehensive desegregation order from a federal district court applying to all 81 of the state's local school systems not already operating under court orders or HEW agreements. [*United States v. State of Georgia*, ____ F. Supp. ____ (N.D. Ga., 1969).] Second, HEW, working more quietly in the shadows at the edge of the stage, applied the pressure of threats to cut off federal financial assistance in order to induce many other school districts to institute or accelerate desegregation without being subjected to litigation. As a measure of both clarification and warning, the Office of Education issued Guidelines in 1965 and 1966, recommending acceptable systems of desegregation and prescribing minimum achievement levels which would qualify school districts to continue receiving federal funds.

The federal courts generally welcomed HEW to the cast of the play, because its success in persuading many school districts to desegregate "voluntarily" lightened the heavy burden of litigation being borne by the courts, and because widespread application of the guidelines tended to produce greater uniformity in the progress of desegregation in different areas subject to the jurisdiction of federal judges with varying points of view. However, the judiciary firmly concurred in the position declared by the Eighth Circuit Court of Appeals: "It is for the courts, and the courts alone, to determine when the operation of a school system violates the Constitution. . . . To the end of promoting a degree of uniformity and discouraging reluctant school boards from reaping a benefit from their reluctance, the courts should endeavor to model their standards after those promulgated by the executive. They are not bound, however, and when circumstances dictate, the courts may require something more, less or different from the HEW guidelines." [*Kemp v. Beasley*, 352 F.2d. 14(8th Cir., 1967).] This language may be taking on greater significance in recent months, as the present executive department indicates its inclination to reduce HEW's role in the play to walk-on parts. It is

worth noting that less than a month ago the federal district court handling the Richmond, Virginia, school case rejected a plan proffered by HEW officials because it did not provide for sufficient desegregation of the schools. [*Bradley v. School Board of Richmond, Va.*, ...F. Supp. ——— (E.D. Va., June 26, 1970).]

V

In May, 1968, the Supreme Court, having left the stage to the supporting actors for three and a half years, made a grand re-entry onto the scene with a triology of decisions which undertook to define "the thrust of *Brown II*" in light of contemporary circumstances. While the Court's pronouncements caused a flurry of excitement at the time, in retrospect they appear to have done little more than add ultimate confirmation to principles already established by the Courts of Appeals in the Fourth, the Eighth, and especially the Fifth Circuit. Thus, it was held that "School boards . . . operating state-compelled dual systems were . . . clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." Mere adoption of a freedom-of-choice plan of operation was ruled to be insufficient to meet this affirmative duty; rather, the school boards must "come forward with a plan which promises realistically to work, and promises realistically to work *now*—meaning apparently, that it must "work" by producing substantially integrated student bodies, faculties and programs in the schools. In spite of its rejection of the freedom-of-choice program in all three of the school systems directly involved in the cases, the Court did not hold that choice plans are unconstitutional *per se*, but rather that such a plan is not acceptable if it has failed to eliminate the dual school system in fact, and if "there are reasonably available other ways . . . promising speedier and more effective conversion to unitary, nonracial school system. . . ." [*Green v. County School Board of New Kent County, Va.*, 391 U.S. 430 (1968); also *Raney v. Board of Education of Gould School District, Ark.*, 391 U.S. 444 (1968); *Monroe v. Board of Commissioners of Jackson, Tenn.*,

391 U.S. 448 (1968).]

Again in October, 1969, the absolute requirement of immediate abolition of all remaining dual school systems was emphasized. In unequivocal language, the Supreme Court asserted: ". . . the Court of Appeals should have denied all motions for additional time, because continued operation of segregated schools under a standard of allowing 'all deliberate speed' for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court, the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools." [*Alexander v. Holmes County, Miss., Board of Education*, 90 S. Ct. 29 (1969); also *Carter v. West Feliciana Parish, La., School Board*, 90 S. Ct. 608(1970).]

VI

Though apparently intended to establish a clearer theme for the later acts of the drama, these decisions have perhaps instead served to muddle the plot for the judges of the lower federal courts, who have been left with the task of trying to discern what constitutes "roots and branches" of the dual school system and what amounts to a "unitary non-racial system." At one point, the view seemed to be evolving that a school system remains in the "dual" category if any all-Negro schools continue to operate, even though a substantial number of Negro students are enrolled in formerly white schools. Thus, the Fifth Circuit Court of Appeals declared in August of 1968: "If in a school district there are still all-Negro schools, or only a small fraction of Negroes enrolled in white schools, or no substantial integration of faculties and school activities, then, as a matter of law, the existing plan fails to meet constitutional standards as established in *Green*." [*Adams v. Matthews* (and 45 other cases), 403 F.2d 181 (5th Cir., 1968).] Similarly, both the Fourth and Eighth Circuit Courts of Appeals subsequently stated that in order to establish a unitary system, the racial identification of the individual schools must be eliminated. [*Nesbit v. Statesville Board of Education* (and 4 other cases), 418 F.2d 1040 (4th Cir., 1969); *Kemp v. Beasley*, 423 F.2d 851 (8th Cir., 1970)

(Judge Blackmun's last school case opinion before being elevated to the Supreme Court).]

However, in February of this year, the Fifth Circuit court retreated a step from its absolute position, ruling that under a plan based on *bona fide* geographical attendance zoning in a district with 66 elementary schools, the continued existence of three all-Negro elementary schools, due to the effect of racial residential patterns, did not make the school system a "dual" one. [*Ellis v. Board of Public Instruction of Orange County, Fla.*, 421 F.2d 134 (5th Cir., 1970).] And less than two months ago, the Fourth Circuit court, framing what was termed "the test of reasonableness—instead of one that calls for absolutes," expressly held that "not every school in a unitary system need be integrated" and that school boards should not be required to resort to unreasonably expensive and difficult means of eliminating all-Negro schools which result from the concentration of Negro residences in a separate area of a city. [*Swann v. Charlotte-Mecklenburg Board of Education*, ____ F.2d ____ (4th Cir., 1970).]

Further, in the *Memphis* case the Supreme Court has recently contributed to the confusion by interpreting an earlier rather off-hand statement as defining a unitary system to be "one within which no person is . . . effectively excluded from any school because of race or color." [*Northcross v. Board of Education of Memphis, Tenn., City Schools*, 90 S. Ct. 891 (1970).] Applied literally, such a standard would be fully satisfied by a bare freedom-of-choice arrangement under which not a single white student chose to enroll in a Negro school and not a single Negro student chose to enroll in a white school. Perhaps it was such decisions which prompted the President of the United States late in March to sum up what he called "the prevailing trend of judicial opinion" in these words: "There is a constitutional mandate that dual school systems and other forms of *de jure* segregation be totally eliminated. But within the framework of that requirement an area of flexibility—a 'rule of reason'—exists, in which school boards, acting in good faith, can formulate plans of desegregation which best suit the needs of their own localities."

VII

Since there is no indication as to when, if ever, the final act of the drama of school desegregation will be written, I shall follow an old Hollywood device by sketching three alternative possibilities for a denouement. Each member of the audience may then exercise his "freedom of choice" among the alternatives.

1. On the one hand, there may be an early, widespread acceptance of the conviction that racial segregation in public education is a bad practice—economically, educationally, socially and morally—and that all sections of the nation and all segments of society must join resolutely in a forthright and determined effort to eliminate racial descrimination from the public school systems and to provide genuine equal educational opportunity to all children, regardless of race, color, religion, national ancestry, economic condition or social status.

2. On the other hand, the history of the late nineteenth and early twentieth centuries may repeat itself in the 1970s and 80s, in that the nation's concern for racial and social justice may wane in the face of economic and political diversions. As the national conscience becomes dulled and the general reform fervor abates, sections and localities may be left to solve race problems according to "our way of life," with the result that discrimination and segregation, perhaps in more sophisticated form but with the traditional effect, will again become fixed in the national mores.

3. Somewhere in between these two extremes is the prospect of a continuing uphill struggle to minimize racial discrimination and to extend equal opportunity in the nation's educational system—and consequently in its economic, social and political systems. Before the eventual objective can be attained, interim fruits of the struggle will likely include temporary damage to educational standards, worsening race relations, intensified sectionalism, extensive political re-alignments, and a besmirched national image. And unless the high promise of the ultimate goal is kept clearly in view, the intervening mischief may seem too high a price to pay.

Which of these endings shall we choose? If I am not wise enough to account for the past or understand the

present, I am certainly not wise enough to predict the future. However, it is my firm belief that you gentlemen of the Fourth Estate and your colleagues in the world of journalism will play a most significant role in determining the direction in which the nation will move during the next decade. The manner in which you interpret for the general public the problems and the prospects for their solution may well have more influence on the writing of the final act of the drama of school desegregation than the combined acts of judges, legislators, governors and presidents. This is both your burden and your opportunity.

An Attorney's Viewpoint

John W. Walker

As I began preparing my presentation for today, I thought that probably you gentlemen and ladies know almost as much about this subject as any group of people in the South, because you cover it daily. In fact, during the past sixteen years, two months and whatever number of days since *Brown v. Board of Education*, this subject of school desegregation has probably consumed more space in your newspapers than any other single subject. In a real sense you are all aware of the difficulties that black litigants, that parents and children, face when they go into the courts seeking to have their rights vindicated.

As I talk, I should like to make some comments about what Judge Craven said, especially as he sought to explain certain of the decisions that were reached by the Fourth Circuit Court of Appeals. I should also like to point out that in the Fourth Circuit especially, prior to 1954, there was a substantial amount of cross-bussing, so to speak, and before 1954 no real consideration was given to the cost involved. That is to say, there are a number of cases set forth in the *Federal Second Recorder* which set out that black students oftentimes were required to be transported as much as forty and fifty miles one way in some cases, not only outside of school districts, but outside of counties, in order to receive a so-called free public education. This is so because the local school districts did not choose to provide in-county or in-district education for them. Oftentimes, black students were required not only to get up at 5:30 and 6:00

in the morning to make this long trip of perhaps thirty or forty miles but they, in some cases, were required to spend a week away from home. They would board. Judge Craven will perhaps recall that they would board away from home because there were not sufficient numbers of blacks, either within the district or within the county, to have a black school for them. So that we had a massive system of transportation back at that time.

Also, white pupils in the Fourth Circuit and in the Eighth Circuit (and circuits in between, I'm sure, but the cases we deal with are mostly from the Fourth and Eighth Circuits) were also required to be bussed because there were not, in many instances, enough white pupils in a given community to justify the establishment and maintenance of a school. So that we not only had school systems in the so-called urban areas which were dual; we had school systems which were created as dual, which were maintained as dual and which were perpetuated after the *Brown* decision as dual and were perpetuated in the form of the public providing public transportation and other kinds of incentives to make this possible.

Brown v. Board of Education, as I read it, was concerned in the 1954 and 1955 decisions with disestablishing the dual school system. *Brown* held that separate school systems for black and white pupils were inherently unequal and that they denied equality of educational opportunity and also prevented the mental development of black children. In the past decade, as I see it, what we've been trying to do is deal with the educational and mental development of black children—problems that have been raised by school segregation.

In 1958 and 1959, we had in the Fourth Circuit the pupil placement laws. Those pupil placement laws were emphasized as being formulated in the spirit of *Briggs v. Elliott*. *Briggs* said, in effect, that no pupil or at least the rights of pupils or individuals must be accorded on an individual basis and that no pupil, black or white, has the right to require that a school system be integrated. In justifying the pupil placement laws, the Court said, in effect, that pupil placement laws are first of all constitutional; they provide a vehicle by which schools could be desegregated. They also will help us to maintain the public school system. At that time, in North Carolina and

South Carolina and the like, the states were concerned not only with maintaining public education, but at the same time were trying to devise a way whereby they could contain desegregation.

I

I should like to make reference to one of the approaches that came from North Carolina. There was a committee which devised a report to the Governor of North Carolina on the decision of the Supreme Court of the United States on May 17, 1954. They suggested three alternatives for dealing with the problems raised by the *Brown* decision. The third alternative was to play for time by studying planned-for action—making haste slowly enough to avoid the provocative litigation of strife, which may be a consequence of precipitative and unthinking acquiescence, and yet making haste fast enough to come within the law.

Following the spirit of North Carolina, most of the states of the South passed legislation intended to delay, if not to nullify outright, the spirit of *Brown v. Board of Education*. Some even proposed nullification and secession; other states opted for laws which in effect placed the burden of desegregating the schools on black pupils and their parents by devising obstacle courses such as administrative remedy procedures found in the pupil placement law.

Under the law, it is very relevant that proximity to a school was expressly eliminated as a basis for school assignment and made but one of as many as eighteen different factors to be considered by school authorities in making school assignments. Some of the numerous criteria required parents of black pupils who desired an integrated education, among other things, to divulge otherwise privileged data about themselves to public officials. In Mississippi, applications by black students or by black parents were required in many cases to be made public records and carried in the public press. You can imagine how this would discourage black pupils and black parents, who were afraid anyway, from making applications for desegregation.

North Carolina courts were among the first to test the

placement laws. Generally, the courts there required black pupils to resort to administrative remedies before school authorities before they could resort to litigation. At the required administrative hearings, plaintiffs were required to establish that they did not seek reassignment solely for the purpose of attending desegregated schools and to further answer any questions put to them by the Board or their attorney. In one case (*Norwood v. Tucker*, decided in 1961), the Eighth Circuit Court found that the black students were treated in these administrative hearings grossly different than were white students and that the hearings for black students were not routine as they were for white students. Oftentimes this was, in effect, a court of inquiry and little six-, seven- and eight-year-old students were required to explain their reasons for preferring to change their school assignment. Recalcitrant school officials were thus aided by courts, which in many instances not only required a party to exhaust the administrative limit before resorting to litigation, but also refused to honor class action attacks upon school segregation generally.

For those of you who do not know, and I presume that almost all of you know, a class action is an effort where one aggrieved party has a claim similar to those of every one else in his race of equal standing, and that party seeks to represent and obtain redress not only for himself but for others like him. Thus by non-recognition or perhaps non-application of a class-action device combined with the requirements of the placement law, desegregation was effectively prevented for years. In the process, the lower courts caused certain principles—these are the trial balloons that Judge Craven referred to—to govern their action.

The most troubling such principle was found in *Briggs v. Elliott*. The Court, in effect, found no duty or requirement on the part of school districts or school officials to integrate, saying that the law merely forbids discrimination. I call your attention to the fact that in the late 1950s to early 1960s, indeed from the beginning of the *Brown* litigation, post-Brown litigation, to present, black pupils and their attorneys have been seeking, not just to have individual black pupils admitted to individual or specific schools; they have been seeking to have the

systems disestablished as being racially identifiable and at each occasion before 1968, the lower courts took the position that it was individual relief they were concerned with granting rather than generalized class relief.

II

The courts began to recognize, after 1964 with the passage of the 1964 Civil Rights Act, that affirmative action against all vestiges of segregation was required if individual rights were to be fully enjoyed. In those years, the placement laws came under heavy attack in all circuits because of the results achieved; and as a result of the attack, the placement laws, though never invalidated, were abandoned. They were abandoned to be supplanted by, perhaps, an effective device for containing segregation —the freedom of choice procedure. Freedom of choice was totally hypocritical because under freedom of choice, theoretically, pupils assigned themselves to the schools they preferred to attend. However, as Sobeloff has pointed out (and other judges have taken the same position), freedom of choice is never really free. Black pupils, for the most part in the initial years, were still reluctant to cross over from black schools and place themselves in minority situations where they would be among only few black pupils in a given school. The schools, therefore, under freedom of choice, predictably, as the school boards and the courts well knew, remained and would remain separate but unequal.

As a result, tests were continued. Black litigants in each circuit argued to the courts that you cannot measure the effectiveness of a plan unless you look at what it actually achieved, not what it proposes to achieve. And under that test, the circuits began to come around, albeit reluctantly, albeit with numerous dissents, so that in *Kemp v. Beasley* II, which has been referred to by Professor Smedley, a freedom of choice desegregation plan was rejected because it did not substantially alter the racial character of the other Eldorado public schools. And finally in *Kent* III, Judge Blackmun's last school desegregation opinion as a lower court judge, the Court took the position that we no longer are concerned just with the few individual black pupils going to white

schools or indeed with a few white students going to black schools. We're interested in having all vestiges of segregation removed from the school system as *Monroe* required in the Jackson, Tennessee, case. Judge Blackmun and his panel required in that case that all schools be eliminated as being non-racially identifiable. This is so; this is done despite the Fifth Circuit's opinion in the *Ellis* case and also despite the Fourth Circuit's vague language in certain of the cases before it.

So at least one circuit has gone so far as to say that the goal is to no longer to have black schools or white school systems. Incidentally the *New Kent* triology of cases has always been cited by the later Supreme Court decisions and I would certainly think that at least by reference the *New Kent* philosophy is incorporated into *Carter v. West Feliciana Parish* and *Alexander v. Holmes County;* so that the Supreme Court has not retreated from the position that racially unidentifiable schools must be established.

III

There is ambiguity, depending on where you live, as to what is required. We know now in view of the *Swann v. Mecklenburg* decision in the Court of Appeals that at least the majority of the Court believes in some vague "test of reasonableness." What is meant by reasonableness is not stated. As someone pointed out, just what is a plan which reasonably integrates the school? How much bussing, as Judge Craven asked, is required? Just how far should you go in order to get students to and from school? How much practical consideration must you give to the cost factor? These items were not really dealt with by the Court of Appeals in the Fourth Circuit as they sought to establish a basic test of reasonableness by which to measure the effectiveness of the desegregation plans.

I think that we now really deal in semantics, not realities. School districts argue still that there is no affirmative duty imposed upon them to undo *de facto* segregation because they did not create it. Thus they argue that they have effectively achieved the letter and spirit of *Brown* when their districts are non-racially zoned al-

though the schools remain in fact segregated. I should like to digress here for a moment to point out that most of the schools in the South are small schools; most are school districts which have fewer than 10,000 pupils. A number of these small school districts do cover a great amount of land area. But I say that, if a school district was able to transport pupils forty miles in order to afford them an education, it can certainly deal with white students and black students who are within a much narrower geographical area, usually where you have approximately 10,000 students. They can afford transportation to these students to bring about racially non-identifiable school districts.

I'm also reminded, when we talk about reasonableness of cost, of one North Carolina district where for a cost of approximately $26,000, 111 pupils were given tuition grants in order to enable them to attend schools outside of the district. That is, either private schools or other schools. This was some time back. If you had 111 pupils and it required approximately $26,000 to provide them with other than a public education, it would seem that would be patently unreasonable. Nonetheless, if that kind of device was allowed in order to permit the retention of segregation, then certainly that kind of device can be used to disestablish segregation.

IV

With regard to zoning, we all know that in every community in which we live the argument is now that we should have pupils attend schools closest to their homes. But again, I call your attenion to the fact that pupil placement laws in most of the Southern states held that proximity to schools should not be the sole criterion by which pupils were assigned to their schools. I would say that this has not been the criterion by which pupils were really assigned to schools. There are numerous cases of individual black pupils seeking, under the pupil placement law, or under the lateral transfer regulation, or under freedom of choice, to be transferred to the school closest to their homes only to be told that there were other more important factors to be considered. In situations where proximity to schools has been used as the reason, or has

not been recognized as the reason, for granting school admission of blacks, then certainly those districts should be prevented from using zoning if zoning fails to change or alter substantially the racial characteristics of the school system.

Zoning indeed in many places may work to change the racial character of school systems if the housing patterns do allow. We all know that; but in most cases, zoning will not work, because in urban areas at least blacks and whites live in different sections of a district. It is obvious that plans other than zoning must be used to change the character of school systems. In deriving an acceptable desegregation approach in the larger school districts, I suggest that it would be appropriate for us to revise some discarded concepts and perhaps experiment with new ones so as to achieve desegregation.

In the past, we have used such concepts as dual or overlapping attendance zones to bring about segregation. I would certainly think that dual or overlapping attendance zones (as has been described by the Fourth Circuit as satellite zones) can be used effectively to mix enough black and white students to be able to have those school systems called integrated. By dual, I think it would work this way—that you pick two or three or several areas of town and identify a number of pupils within each area by race and have those pupils assigned to a particular school. That way you have the schools, or that particular school at least, as racially unidentifiable.

You can use this basic concept with regard to transportation. You can start from the proposition that if a school district has used transportation in the past in order to facilitate attendance on a segregated basis, it can certainly use at least that much transportation in order to bring about desegregation. What is meant by that much transportation? Are we talking about cost or are we talking about number of pupils affected or are we talking about numbers of busses? Just really what are we talking about? Well, if it comes down to a matter of numbers of pupils, I would certainly think that you have to look at the percentage of pupils in the past who have been transported in order to achieve—at least in order to determine—just what the percentage of this transportation system is going to be. You may not want to

use a factor such as cost, because certainly the costs have changed with inflation and other increases in the cost of such transportation itself.

V

There are other kinds of concepts that could be utilized, such as, as I said before, grade restructuring. I'm thinking of North Carolina. I looked at one of the North Carolina school districts (I think it was Greensboro) where about ten or twelve years ago there were approximately 22,000-25,000 students. You had one black high school and one white high school. You had one black junior high and four white junior highs, seven black elementary schools and ten white elementary schools. If Greensboro is anything like Little Rock, at that time anyway, it would have been a rather easy task for the school district to have had a grade reorganization plan which would have worked perhaps in this fashion, at least at the high school level. You can usually deal with the high schools a little more easily than you can with the elementary grades. But, clearly, in that situation, assuming approximately a one-third, two-thirds racial breakdown, the white high school could have become integrated in grades 11 and 12. The black high school, which probably was very close to the white high school—and these are assumptions that I am making, but I think that in many Southern towns of this size the assumptions will hold out—that the black high school could accomodate grade 10. The same kind of grade reorganization plan could have been applied to the junior high schools.

I also suggest that the same kind of plan could probably have been applied to the elementary schools. In fact, in Pine Bluff, Arkansas, the Department of Health, Education and Welfare, before the present administration took office, devised such a plan, albeit for fewer pupils. The plan in that district, which has real worth insofar as being sure that you have achieved a unitary, unified school system is concerned, simply established one high school for grades 11 and 12. All the pupils in the city would have attended the one high school. At that time, there were three senior high schools. Under the plan, all of the pupils would have attended one senior high school

in grades 11 and 12. Then the two black high schools would have been used for all the pupils in grades 9 and 10; and the remaining junior high schools would have been used for all the pupils in grades 7 and 8 and you would have had strict racial balance from grades 7 through 12.

VI

I think it is recognized in educational circles that, if you get too many persons of low socio-economic mix in the same classroom setting, the teaching problems become comparatively difficult, if not overwhelming. So that, if you have a teacher-pupil ratio in that kind of situation of perhaps one to twenty, at perhaps the third grade, and you have a middle-class school across town where you have a teacher-pupil ratio of one to twenty, which you are likely to be providing in the so-called integrated situations where you have poor whites and poor blacks mixing, it is inferior education to those poor whites and poor blacks. The teachers will have to expend at least twice as much effort in the first situation in order to get the same results that the teachers in the latter situation will have to expend.

When we talk about predominantly black schools and talk about predominantly white schools, I think that as we try to have schools held to be racially unidentifiable, we always have to go back to recognition of the fact that historically black has been interpreted by the communities in which we live as being inferior and the public schools that they have attended as being inferior. In effect the same interpretation would be applied to the poor whites who would be assigned to these schools. It is sort of like a self-fulfilling prophecy. The pupils who attend the school look upon their school not only as inferior, but they look upon themselves as inferior and, in fact, they become inferior. This is another argument for getting a sufficient socio-economic mix in all the schools so that the teaching problems and the learning problems can be dealt with in an easier and more effective way.

One of the real problems in the whole desegregation question has been with our lower courts, because basically, present company excepted, many of the judges who have been charged with implementing the decisions have

had a bias. They clearly had a misunderstanding about what is being sought by black people when they seek integration, but they certainly had a bias against integration and in too many cases, I think that this is one of the reasons why we have had—say a *Singleton* IV, a *Kent* III or many of the other cases which have come up before the courts. The district judges and the appellate court judges have been all too reluctant to grant the rights of black students and they have been all too content to accept the argument for delay put to them by their white peers. We think this has resulted in a situation which is now very difficult to deal with.

VII

I should like to make reference to Little Rock, Arkansas. In 1956 at the time that the Little Rock plan was first proposed, we had a situation whereby the entire city housing patterns were more or less integrated. Between 1956 and the present, 1970, the school district has, in effect, told the white communities that eventually we are going to have to have a zoning plan and the school districts, pursuant to that advice, have gone ahead and located schools in the western part of the city before people got there, recognizing in fact that blacks, first of all because of housing laws and the like, could not go there. Those laws have now been invalidated, but more effective ways still operate to prevent integration of housing.

They put the schools out west, and then white people saw what was happening and moved out of the well-integrated central part of town and eastern part of town. What they have now is a new school system in the western part of Little Rock and an old school system in the eastern part of Little Rock. The eastern part has many vacant classes, classroom spaces, and the western part of the city has overcrowding, so that, as a result of the deliberate action on the part of the school district, taken without real consideration of the cost, you have a situation which they now say they cannot undo without expending great amounts.

In terms of costs, when the Fourth District Circuit comes forth with the reasonableness test, if it were in Little Rock and the same tests were applied, I would ask

them to look at other kinds of factors. For instance, to build an unnecessary high school in the western part of town at a cost of two and a half million dollars and to pay for it over a twenty-year period, that means you pay five million dollars for it. In my judgment, if you do not have a need for another high school, that's patently unreasonable. Amortize five million dollars over twenty years—my arithmetic is off—but it comes to approximately $250,000. This isn't the only unnecessary construction that has taken place in that city and in many other cities around the South. The cost that the school district has paid to establish and perpetuate segregation is much higher. When you look at what it would cost to undo segregation, the judges will possibly say it's unreasonable, that is, the cost of approximately $250,000 per year to undo the effects of the past.

I think the reasonableness test, therefore, has to be considered in context. You can find situations analogous to Little Rock in almost any urban city. What is happening in the process is still the same old thing that *Brown* concerned itself with. Black students are continuing to get shafted. They are continuing to get inferior educations because the school districts commit their resources to building and maintaining good educational opportunities only for whites; and blacks, therefore, have no alternative other than to insist that the schools be racially balanced. They know in the Little Rock kind of situations —and I'm not concerned with the non-public situations now—that the only way they can get the same quality educations that their white peers get is by being in racially balanced situations.

When you look at a situation again like Little Rock, you have overwhelming black pupil enrollment. You find such other deleterious factors as high teacher turnover. In one school in Little Rock this year, one class has had as many as six teachers for that particular class. There is the requirement that particular teacher be white by somebody's rules. So they get, first of all, deficient white teachers and they stay for a short period of time and then they leave. The result is inferior education for the black students, and everybody knows it. The only way that the white teacher who is worth her salt, unless she or he is an extraordinary person, is going to stay in a

situation whereby blacks are 100 percent in numbers or in a heavy majority is by having those ratios changed so that white teachers will also come into contact with a significant number of white pupils.

VIII

We've talked about zoning plans and transportation plans and neighborhood schools. There is one final plan that I'd like to digress and discuss for half a moment. In the *Hammond v. Oklahoma City* school desegregation case. Judge Bohanon has received from the public much the same reaction as Judge McMillan has from his public in Charlotte. In all due respect to Judge Craven, Judge Bohanon has also received the same kind of support from his Court of Appeals that Judge McMillan has from his. The result is that Judge Bohanon does not know exactly what to do. We had a case where the Court of Appeals waited until about two days before school was to start last year and then, in effect, they reversed Judge Bohanon's decision requiring a temporary integration plan. We had to go to the Supreme Court, which reversed the Court of Appeals because the judges had set forth no reason for their decision, and reinstated the District Court's opinion. When you have a situation like this, it only adds confusion to an already confused situation, and if a Court of Appeals is in doubt as to what action it ought to take, then certainly the higher court, I would believe at this point, needs to affirm the district court and await briefs and then fully consider and fully decide the issue.

In the Fourth Circuit case, this was not done. The Fourth Circuit arbitrarily, almost summarily, reversed Judge McMillan in the form of a stay on part of his plan, when there was precedence for what Judge McMillan did.

In Oklahoma City, the high schools have come forth with imaginative plans. The city is much like Charlotte, both in terms of the number of pupils affected and living patterns of the city. They have approximately eight city schools. The black high school is in an all-black area. What they have done is to divide the city—at least the eight schools—into two clusters of schools, four in one,

and four in another. Each one of the school's curricula or programs have been so arranged that every student in the system will have to attend the school which will offer a specialized subject-matter area. English, or all of the English-related subjects, will be taught at the black schools; all of the math and related courses, will be taught at one of the formerly white schools, and so on. They have modular scheduling; transportation is provided between schools; and this was a plan that came forth and was devised by the school district. According to the University of Oklahoma's Center for Human Relations Study, the plan has some realistic prospects, not only for disestablishing the schools as racially identifiable but also for improvement of quality of education offered. I would hasten to say that it also has potential for being used to bring about resegregation because of the possible tracking that could be instituted within each one of the schools in a cluster.

Politics and Administrative Action

James K. Batten

It seems to me that the federal bureaucracy's assault on Southern school segregation since 1964 has to rank as one of the most intriguing and important episodes in recent American political history. In a brief statement, it's difficult to know just what highlights to hit. But let me pass along a few impressions and some general background, and then I'll stand back and let Ruby Martin and Stanley Pottinger tell you what really happened—and is happening now—behind the scenes.

In 1963—nearly a decade after the *Brown* decision—only 1 percent of the South's Negro students were attending school with white children. In September of 1970—seven years later and six years since passage of the 1964 Civil Rights Act—that figure is expected to soar well past 50 percent. Nobody knows exactly what the new desegregation percentage will be.

But the Nixon Administration has set September, 1970, as the final deadline for dismantling the dual school system in the South. And while the definition of "dismantling" remains a little murky, this September apparently will see the culmination of the sort of massive desegregation that seemed unthinkable only a few years ago.

I

The primary instrument for this extraordinary social revolution in the South's public schools has been Title VI—that provision of the 1964 Civil Rights Act holding

that discriminatory programs (such as segregated public schools) could no longer be supported with federal funds.

The brief—but spectacular—history of Title VI began with a succession of incredible ironies. For example, when the United States Civil Rights Commission first suggested this sort of weapon against segregation in 1963, the idea seemed unlikely to go anywhere. President Kennedy —whose picture today hangs in thousands of Southern Negro homes alongside those of Jesus and Dr. Martin Luther King Jr.—thought it was a "dangerous" idea. He later changed his mind, at least in part.

An even greater irony is that Title VI began as a sleeper in the 1964 Civil Rights Bill. Almost no one—neither friends nor enemies of school desegregation—realized at the time what a potent weapon it would come to be. During the long debate over the bill in the Senate, Title VI was almost ignored.

A few Southern senators and congressmen growled about "dictatorship," but their greatest alarm stemmed from other provisions of the bill. Gary Orfield, in his excellent book, *The Reconstruction of Southern Education* recalls that Hubert Humphrey, then the Senate majority whip, shrugged off Title VI as almost non-controversial. "If anyone can be against that," Humphrey said, "he can be against Mother's Day. How can one justify discrimination in the use of federal funds?"

To some extent, Title VI owes its historic importance to events that came after its passage—events that neither side fully anticipated in 1964.

For one thing, the federal courts broadened and stiffened their school desegregation requirements, handing the bureaucratic enforcers of Title VI much tougher standards to enforce. Also, the Elementary and Secondary Education Act of 1965 meant that far bigger amounts of federal cash would be pumped into Southern school districts—thus producing much great leverage for federal agents who threatened to cut off the cash.

With the coming of Title VI, the primary burden of dismantling the dual school structure began slowly to shift from the federal judiciary to the federal bureaucracy. And this was an important shift. Until 1964, the South's federal judges had been the men with the uncomfortable job of carrying out the Supreme Court's

1954 decision. Jack Peltason, a well-known political scientist, wrote a book about them called, fittingly, *Fifty-Eight Lonely Men.*

There were great and obvious differences between the judges and the bureaucrats. The judges were themselves white Southerners, products of a political system based on white supremacy. Often they shared the indignation of their friends and neighbors about federal pressure to end school segregation. But they also tended to be men of standing and prestige in their communities and states. And their judicial robes, at least in the eyes of many citizens, added some measure of legitimacy to their unpalatable desegregation orders.

But the bureaucrats from Washington—from "Aitch-Eee-Dubya"—were something else again. I'd like to focus for a few minutes on these people—George Wallace's "pointy-headed bureaucrats who can't park a bicycle straight." It seems to me that collectively, they have made up one of the most remarkable federal agencies of all time. Someone has suggested that you have to go back to the Freedmen's Bureau of Reconstruction days to come up with anything comparable. And I suspect that's true.

Here you had a group of fairly ordinary federal civil servants, for the most part unexceptional men and women, who suddenly found themselves vested with the power to overturn a whole social order in a large section of the United States. I can't think of any federal agency that has had such direct and formidable power to compel bitterly resisted and far-reaching change in individual American communities. Without any direct mandate from the people, and without any special credentials except that they happened to work for the Title VI enforcement agency, many an anonymous GS-13 has arrived in a Southern courthouse ready to turn around 350 years of history. In at least this one critical area of public education, these men and women wielded more power than all the legions of elected officials who fumed when these folks from HEW rode into town. It's no wonder that these unknown interlopers were often met with such bitter hostility, especially when they let their righteousness show. And that was often, especially in the early days.

I've often thought that someone should write a human, flesh-and-blood history of this agency. For all the millions of words written about "the guidelines" and "fund cut-offs," the press generally failed to tell the story of this remarkable agency and the people who made it up.

II

For most of its life, the HEW Office for Civil Rights has occupied the third floor of a dingy, dreary GSA building across the railroad tracks from the Washington of monuments and marble. And as I prowled those halls, I often marveled that this place, and these ordinary civil servants—worrying about their mortgages and their promotions and their children's adenoids—could actually be stirring such a political uproar in almost every county from the Potomac to the Rio Grande.

Please understand that I'm not denigrating these people in any way. Most of them, I think, believed deeply in what they were doing and often displayed a lot of guts in a terribly difficult situation. I'm simply emphasizing how rare it is for rank-and-file civil servants to wield so much direct power on such a sensitive local issue.

As you might expect, because they were regularly reviled all the way from the county courthouse to the floor of the U.S. Senate, the employees of the Office for Civil Rights developed a very lively *esprit de corps*. This was made very clear last February when Leon Panetta, the head of the agency, was fired by the White House. Several score of Panetta's subordinates signed a stiff letter of protest to President Nixon—an unusual bit of bureaucratic effrontery, even in these days of rising dissent within the ranks of the civil service.

I know that the fact of the agency's cameraderie concerned a number of people on the White House staff. After Panetta left, one important White House aide told me he had heard that the rank-and-file intended to keep pushing tough desegregation policies regardless of what the President wanted. The watchword, this aide said, was "Let's do it for Leon." He said, rather wistfully, I thought, that it would be nice if the White House could clean out everybody in the Office for Civil Rights and start over with people responsive to the will of the Presi-

dent. But civil service rules, he admitted, made that only a pleasant pipe dream.

Some of the most interesting OCR employes were Southern Negroes. And as you would expect, coming out of often very bad all-black Southern schools, they got special satisfaction from their work.

If you'll excuse a personal reference, let me tell you about an OCR black official I came to know fairly well. One day we were chatting about the situation in Virginia and I inquired about the status of Nansemond County, a heavily Negro Tidewater county where I grew up. I mentioned that I had gone to school in Holland, a tiny peanut-country town. To my amazement, this black fellow announced that he had grown up just a few miles outside Holland. It was an interesting vignette—we were exactly the same age and had graduated from high school the same year. But we had never met. I, of course, went to the all-white school in Holland; he went to the all-black school a few miles out in the countryside. Because I had been on the basketball team and he was a big, rangy, sports-minded guy, I asked him if he had played on his high school basketball team. He gave me a cool look and then said, very quietly: "Don't you know we didn't have a gymnasium at our school?" I was appalled. I didn't know. I had never been near his school.

III

Now let me turn to the substance of Title VI enforcement. It began under David Seeley, who had been an aide to Commissioner of Education Francis Keppel and was put in charge of what came to be called the Equal Educational Opportunities Program in the Office of Education. Seeley has since admitted that in the early days he and his slung-together agency were ill-equipped to force recalcitrant Southern districts to desegregate. So he ran little more than what he later called "a big bluff game." But he got some results.

In general, both with Seeley and his successors at the new Office for Civil Rights—Pete Libassi and Ruby Martin—the Johnson White House took a tough supporting stance, backing up the bureaucrats at HEW.

One of my favorite stories on this score involves a visit

by Rep. Jamie Whitten of Mississippi to see Lyndon Johnson. It was about 7 o'clock one evening, and Whitten was sitting with LBJ in a little office off the Oval Office in the White House. Whitten had come in to complain about Harold Howe and the Office of Education's actions against a long list of Mississippi school districts.

Sometime after their conversation began, Johnson picked up the phone and summoned one of his aides. "Congressman Whitten is up here," the President said, "and I want you to hear what he's got to say." So the aide went in and listened while Whitten went through a long stack of complaints—"This is outrageous". . . . "This will ruin that school district" . . . and the like. All the while, he was shoveling an ever-growing stack of paper into Lyndon Johnson's lap. Johnson didn't say a word until Whitten had finished. Then Johnson told Whitten that he had raised a lot of serious questions and that they deserved very careful attention. Then he shoved the stack of complaints into the hands of the aide, telling him very emphatically that he wanted Whitten's complaints thoroughly looked into.

Then the aide walked Whitten out to his car. And when he came back, he ran into LBJ on the porch. "Send all that crap over to Doc Howe," Johnson said, "and tell him whatever he wants to do is all right with me."

That doesn't mean, of course, that the Johnson Administration was impervious to political pressure. The Democrats had some memorable cave-ins, beginning with Chicago and Mayor Daley in 1965. But generally, HEW enforcers got solid backing up the line between 1965 and January, 1969.

What has happened under President Nixon is too fresh in all our minds to require any detailed recounting. Generalizations about the Administration's performance come hard, mainly because that performance has been so erratic and indecisive. But let me at least offer a few impressions.

The first is that all along, there has been no great enthusiasm for school desegregation at the White House. My own impression is that the President himself has no strong feelings on the substance of the question. As with so many other critical national problems, Mr. Nixon's approach has been pragmatic and political. And I think

this has been made easier because there were few strong convictions to get in the way.

This has also been true, I think, of the President's inner circle of advisors. Leon Panetta, whose own enthusiasm for his assignment made him a target of private ridicule and annoyance at the White House long before he was finally fired, later quoted John Ehrlichman as telling him: "The blacks are not where our votes are."

Lack of enthusiasm for desegregation at the top of the Nixon Administration has been made clear to the public in many ways—both in rhetoric and performance. One of the most memorable came from the President himself. At his press conference of September 26, 1969, Mr. Nixon spoke of "two extreme groups. . . , those who want instant integration and those who want segregation forever." Since many white Southern segregationists were pleading for delay, they naturally felt that Nixon had placed them —and himself—in the moderate middle ground. Some of you may have heard satirist David Frye's comment on all this. Doing his Nixon imitation, Frye has the President saying that between the extremes of instant integration and segregation forever, he favored a middle course—"Instant forever."

This posture, of course, has encouraged many Southern communities to dig in their heels and plead for more time. Many of them reneged on plans they already had adopted. A good illustration is found in Texas. During the Johnson Administration, the schools in LBJ's home state generally went along with HEW. Johnson himself, I have heard, met personally with Texas school superintendents to say that he meant business and did not intend to be embarrassed in his home state. But when Johnson left the White House, the Texas desegregation picture slipped considerably.

A basic part of the Nixon strategy has been the fading importance of Title VI and the HEW enforcement operation, with a shift of emphasis back to the federal courts. The effect of this strategy was to put the onus for unpopular segregation on the judges and take it off the bureaucrats whose moves could be blamed directly on the Administration's control. This always struck me as probably good politics but fundamentally irresponsible. The Supreme Court depends ultimately for its power on pub-

lic willingness to obey its decisions. When the court tries to force unpopular change on as volatile a matter as school segregation—and when it finds itself more or less alone—there are serious risks, it seems to me to the court as an institution. More recently, however, the Administration has been a little more energetic in at least enforcing the rulings of the federal courts.

Since the now-famous Administration statement of July 3, 1969, which lifted the deadlines for desegregation and emphasized the turn to enforcement through the courts, HEW's enforcement operation has been on shaky footing. From last August until a couple of months ago, there were no fund cutoffs under Title VI.

One HEW enforcement official told me not long ago that since the July 3 statement, there had really been no Title VI program. The only reason that HEW had any effect at all, he said, was that the school districts didn't grasp just how impotent HEW had become. In a sense, it was back to the old days of Dave Seeley and enforcement by bluffing and cajoling.

In February, after Leon Panetta was fired, it seemed that HEW's dwindling influence was finally running out altogther. I can't imagine a more miserable bureaucratic situation than the one that confronted Stanley Pottinger when he arrived to succeed Panetta. The staff, which had been devoted to Panetta, was extremely bitter. It seemed impossible that anyone—no matter how shrewd and dedicated—could win the staff's confidence and be effective. But Pottinger has done remarkably well, and morale has revived more than anyone would have thought possible a few months ago. He has been helped by the fact that the Justice Department's threats of desegregation suits have sent a number of districts scurrying in to deal with HEW.

IV

In concluding, let me just make a couple of final points. I believe that politically, the Administration has made some serious mistakes. In trying to please everybody, they have pleased nobody. It seems to me that only the white, middle-income Southern city-dweller is likely to feel any political gratitude to Mr. Nixon. By

opposing the busing and racial-balance approach of Judge McMillan in Charlotte, the Administration may have won some political points in Southern cities. And, after all, the future of Southern Republicanism seems to lie in the cities.

But there will be little gratitude from the rural and small-town South—and from lower-income whites in the cities. For all the noise over Nixon's softening of desegregation policy, we stand now on the brink of massive dismantling of the dual school system this September—or at least a large slice of it. And Strom Thurmond last week seemed to be offering a preview of the political wrath that awaits the Nixon Administration in the South this fall.

The crowning irony, really, is that September, 1970, apparently will see just as climactic a surge of desegregation as would have come if the Republicans had never come to power in January 1969. In terms of the numbers of Negro children in school with whites this fall, the Nixon policies have not made much difference.

The big difference, I think, goes back to the question of style of leadership. For all its fits and jerks, the Administration—its hand forced by the Supreme Court—is overseeing the final stages of this long and agonizing social revolution. But its oversight has been "without fervor and without passion," as Attorney General Mitchell accurately described it.

The flavor of the Administration's performance has been that of dutiful, but grudging, compliance with changes ordered by the Supreme Court. The leadership has been at the Court, not at the White House. That is the way Mr. Nixon wanted it, and that is the way history will record it.

The Nixon Administration: A View From Outside

By Ruby G. Martin

My former boss at the Department of Health Education and Welfare, Mr. Wilbur Cohen, was undoubtedly the most clever and the most politically astute Secretary ever to head that gigantic Federal bureaucracy. While Secretary Cohen and I disagreed far more than we agreed on the Department's school desegregation policies and procedures, my admiration for his ability to wheel-and-deal on the Hill, and my amazement at his ability to bargain, always from a position of strength, with his fellow department heads, with the White House and with lower-level political types, remained unchanged throughout our joint stay at HEW.

One particular discussion that Mr. Cohen and I had especially stands out in my memory. The discussion was generated by the conduct of a Congressman who was up for re-election and who was running scared. This particular Congressman had been threatening and leaning on me for about a month to get those blankety-blank Title VI enforcement people out of his Congressional district or else, he claimed, he would surely lose the election. Indeed, the White House inquired a couple of times about the possibility of our giving the school systems in the Congressman's congressional district a "break." While I was never told by the White House to leave the school system alone, I was requested to try to "work things out."

I recall lamenting to Mr. Cohen, one evening, that we were leaning over backwards to give the school systems

in the Congressman's district every possible opportunity to comply with Title VI, but that most of them had not even taken *one* step toward complying. Indeed, every time we would send letters to the school superintendents they would simply take our letters and send them, unopened, to the Congressman, and call me to say that if we had problems with their desegregation progress we should not deal with them, but should deal with their Congressman. The whole thing was really getting to me and the staff, and so I went to Mr. Cohen with my problem, explained in great detail the efforts that we were making to try to help the Congressman, yet maintain the credibility of the Title VI program. I described to him the many times that we had postponed Title VI compliance actions against the noncomplying school systems in the Congressman's district. I explained how frequently we had offered to provide technical assistance to help the districts develop acceptable desegregation plans; how many times we had urged the superintendents and school boards to meet with us to discuss their problems, offering to meet with them at any place convenient with them; and how many other concessions and offers we had made in response to the Congressman's threats and demands.

After listening attentatively to my tale of woe, Mr. Cohen gave me one of his "all-knowing" smiles and said to me, "Ruby, what did the Congressman give *you;* what did he give your program or the department or the Administration, in return for each one of those concessions and offers of assistance that you made?" I guess I must have looked kind of puzzled because Mr. Cohen went on to say, "Young lady, there is something you must always remember about running a Federal program, and that is that you *never* give up or even *offer* to give up anything unless you get something or an offer of something in return." He said, "In dealing with politicians always remember that while they all can be bought off, you only have to buy-off a Northern Congressman or Senator once and he's bought for good, but you have to keep on buying-off the Southerners day after day, week after week, month after month, and year after year." "And," he said, "because you can't buy them off permanently, you never give them anything or offer to

give them anything unless you get something from them and always try to get for yourself, the Department or the Administration three times the value of what you give up."

I

After having made the decision to leave my position as Director of HEW's Office for Civil Rights, but before actually departing, I had a very long, heart-to-heart talk with the new Secretary, Robert Finch, during which I tried to describe to him some of the headaches and heartaches he would experience, and some of the rewards he would receive from the school desegregation program. I tried to impress upon him the need for him to stake out his personal ownership and control of the Title VI school desegregation program and to do it right away. I tried to explain the need for him to let the Attorney General know, the White House know, the politicians know, the press know, indeed the entire world know that he was going to run the school desegregation program. If you do not do this, I warned Secretary Finch, the program will slip away from you, or worse will be taken away from you, by the White House, by the Justice Department or indeed by some obscure but gutsy individual on the White House staff, or by any combination of these or possibly all three acting in concert. I pleaded with the Secretary to let the Title VI administrative machinery, which had been so carefully built up over the past three years, work, and suggested that the machinery was really his protection against the many pressures that would be constantly brought to bear. My persistent admonition was to keep the White House advised and informed about both the good things and the bad things that were going on concerning the program, because I felt that this would help keep the White House out of the day-to-day operation of the program. I also went into the psychology of Southern school officials and told Secretary Finch that it was essential for the Department to issue clear policies, to communicate the policies to all Southern school systems, and to be consistent in enforcing those policies. I cautioned him about the dangers and risks of undercutting school

superintendents and school boards who were already complying or had agreed to comply, and told him that whatever he said must be said in language that could only be subject to one construction. School people have a peculiar way of reading things the way they want to, and I said that the momentum of the program would be slowed to a crawl or perhaps even lost if his statements, pronouncements of expectations and policy directives were equivocal or imprecise.

While I do not purport to remember my conversation with Mr. Finch in its entirety, I do recall making a special point to pass on to him the political lesson of how to deal with Southern Senators and Southern Congressmen that Wilbur Cohen had taught me. I even suggested, being a good bureaucrat at the time, and recognizing that the Nixon Administration had made promises to the South on the issue of school desegregation, that perhaps the key to his running an effective school desegregation program would be to figure out by no later than the middle of February, 1969, what one concession, or one pay-off, he was ready to make to the entire South and, then to figure out and to outline with precision and in detail what he would demand from them in return for that concession, being certain to follow Mr. Cohen's advice, that whatever he gave up to make every effort to get three times its value in return. My primary concern was that Mr. Finch cement the gains already made. My concern also at that time, was not how fast he was going to move forward with the program, but how he could keep the gains that had already been made and not let the program slip back into controversy and confusion.

I remember, as if it took place yesterday, the smug, self-confident, even sarcastic look that Mr. Finch gave me as he reminded me that he was not a political neophyte, indeed that he was a politician of some stature having been elected Attorney General of California and having received more votes than anyone else running, including Governor Reagan, and that he certainly knew how to handle the political attacks and issues that would arise in connection with the school desegregation program.

He really put me down good, he really did, and I vaguely remember picking up my things, and on the way out the door saying something to him about Washington and national politics being in a different league or at least a different ball game than California politics. Anyway, I wished him well, went back to my office, and finalized a kind of White Paper on School Desegregation that we had been working on, setting forth where we were, where we had come from, how we got there, and where we needed to go, how we could get there, and put it on Secretary Finch's desk as my parting gesture.

This is not meant in any egotistical way, but from my point of view, Secretary Finch should have listened to me and heard me out or listened to Secretary Cohen, and Secretary Gardner, both of whom told him much the same things, because I believe that Mr. Finch's handling, or mishandling of the political issues in connection with the Department's school desegregation program was a disaster, and a disaster from which the program may very well not ever recover, and I say that despite the recent flurry of activity by the Justice Department and Mr. Jerris Leonard's promise of total integration in the South in September, 1970.

II

The school desegregation program during the Finch period at HEW can at best be described as the "lost 18 months"; at worst it was the greatest give-away of human rights and civil rights in recent memory. For all practical purposes his actions have resulted in Title VI being administratively repealed for lack of enforcement. His very first political act in connection with the school desegregation program, granting a 60-day reprieve to six school systems that were scheduled to have their funds cut-off, signaled a total misunderstanding of Washington league politics. He was under the kind of political pressure that he should have expected from Senator Thurmond, Congressman Watson and the White House. Although I was fast packing my things to leave, I was still at HEW when the incident arose, and as a Wilbur Cohen bureacrat, I saw the incident as a blessing in disguise, as an opportunity for Mr. Finch to lay the broad

issues before the White House and get them resolved; and, as an opportunity to establish himself as in charge of the program. I also saw the incident as providing Mr. Finch with an occassion to make the one concession, or pay-off to the entire South, and at the same time get three times his money's worth by reaffirming his Department's intent to enforce the school desegregation guidelines and utilize the sanction of Title VI. My advice was to grant a 60-day reprieve not only to the six school systems in question, but to grant a 60-day reprieve to every school system that was in the Title VI cut-off enforcement procedure, and in so doing outline the requirements for compliance by telling all of the districts, and thus the entire South, what kind of plans would be acceptable and what kind would be unacceptable and lead to fund terminations. By doing this I said: "You are the aggressor; its your decision; and you under-cut Strom Thurmond, because he can't say that he forced you to give the South Carolina school districts that he was concerned about a break. And most important, to tell the South that you personally, refuse to become involved with individual school systems and in so doing you give the Office for Civil Rights and its Director some credibility as the implementing agency of broad policy that you have established and will back-up."

As you well know, my advice was not worth a nickle; and week after week, and month after month, Secretary Finch gave away the school desegregation program to Southern politicians and got nothing in return. He succumbed to both the highest and the lowest of political pressures, from the White House down to he smallest, least known, Republican running for county commissioner or some other insignificant post. The newspapers and reporters portrayed him as the great fighter for civil rights, black people and school desegregation at the White House, but I believe that he was a "paper tiger" who was always on the defensive and never on the offensive, and that he fought over the wrong issues and in the wrong arena. During Mr. Finch's period as Secretary, the Department did not, to my knowledge, issue one single overall policy directive to all school systems indicating what would be expected of them during the 1969-70 school year. You will, no doubt, remember the

famous joint statement of July, 1969, by Finch and Attorney General Mitchell on school desegregation. That document was in response to pressure from school people. It was not initiated by Secretary Finch as a kind of action paper. It was a reaction document—and it was joint. Indeed, Attorney General Mitchell's name was listed first.

Oh yes, Mr. Finch granted interviews to major magazines and major radio and TV networks, where he threw around his famous slogan, that his Department would be "looking at the peculiar chemistry of each school system in reaching these decisions." But not one single overall policy was issued in writing; no criteria for compliance were drawn; and I believe there is no question that the good school systems, the bad ones, and those in between, had absolutely no notion of what any of the garble that Secretary Finch dished out meant. And it wasn't until seven weeks before the 1969-70 school year opened that the joint statement was issued, and it is not the clearest document that I have ever read.

Perhaps the most serious and lasting blow administered by Secretary Finch to the Office for Civil Rights and HEW's school desegregation program was not that he was equivocal and imprecise, but that in his gutlessness he permitted to develop, or perhaps even encouraged the development of the kinds of White House and Justice level involvement and clearance requirements that completely bogged the program down during his period as Secretary, and will kill the HEW enforcement program under Secretary Richardson unless he can somehow disentangle himself from the terrible precedent set by Mr. Finch of doing almost nothing without a preclearance from the White House and approval by the Justice Department. I'm not suggesting that when I was at HEW that we did not have to get White House clearances, but it was action clearances of broad policy matters. We did not, like Mr. Finch, voluntarily run to the White House for approval for every move we made, nor did they expect us to come or to get clearance to move against individual cases and school systems or to turn down requests by Congressmen to give their districts a break. Secretary Finch set, or permitted to develop, bad precedents regarding White House and Justice relationships

and he did it, I believe, not simply because of his political loyalty to President Nixon, but primarily because he was afraid or unwilling to take risks; and because he did not understand either as a lawyer, layman, or as a politician, the issues involved in school desegregation.

III

The activity of the Justice Department over the past few months and particularly the past few weeks might appear, to the unsophisticated eye, as an effort to recoup the Finch "lost 18 months." I'm not knocking what Justice is doing, but I am just a little nervous. The Administration already has, or is seeking to obtain by the opening of schools this fall, between 400 and 500 court-ordered or HEW desegregation plans. But the test is whether they will enforce these plans this fall. I compliment the Administration for going all-out to get the pieces of paper, and I know that getting the pieces of paper has sometimes been tough, but enforcing them will be tougher, and unless Secretary Richardson, and *not* the Attorney General, makes it clear to school systems under *his jurisdiction*, before school opens in September, that his Department plans to move without hesitation, indeed with the greatest of speed, administratively, to cut off funds from any school district that reneges or that does not carry out its plan in toto, I fear that we are going to have a chain reaction of school systems simply refusing to carry out their promises. If it becomes clear, early in the school year, that the Administration plans to utilize the courts, and not the sanction of Title VI, to enforce desegregation plans, the whole year will be lost because of manpower, in the length of time involved in obtaining court relief.

It is unfair, unrealistic and I believe unconstitutional for the Administration to rely on the courts to carry either the entire or a substantial share of the burden of school desegregation. Indeed, I believe the courts will refuse to carry more of a burden than they already have, and simply will not schedule timely hearings on new Title VI cases of noncomplying school systems. The courts are already burdened down with their own school cases. It is heartening to read about the number of HEW

and Justice people that will be in the South at the opening of school this year, although people without plans or people with the wrong plans can be pretty ineffective.

I would hope the sanction of Title VI will be revitalized and used as an enforcement tool, and that Mr. Pottinger has already submitted to Mr. Richardson for approval, his overall plans to deal with recalcitrant school systems, and that the plans call for a stepped-up utilization of the Title VI sanction. I also would hope that those plans are communicated in diplomatic, but nevertheless firm, terms to every Southern school system that will be affected by no later than the end of the month. School districts should be told that they are going to be reviewed and that HEW will be especially looking at the specified items, and the items should be listed.

I would hope also that Secretary Richardson has already established, or will have established by the end of the month, a new kind of relationship with the White House, that he will assert the broad leadership which Congress has vested in him, that he will obtain the major policy clearances from the White House, but that he will shake off the ghost of Mr. Finch and the procedure of going to the White House or the Justice Department on every turn, for every little thing and on a case-by-case, issue-by-issue basis. Secretary Richardson can establish this kind of new relationship if he takes the necessary time, which Secretary Finch never did, really to learn this program (because he can neither run nor defend the program if he doesn't understand it) and if he is willing to take risks. Most of all, unlike Mr. Finch, he must learn and use the rules of barter and bargaining on the Hill and not give the program away like his predecessor.

IV

Neither the Johnson Administration nor the Nixon Administration has as yet dealt with some of the major and critical issues involved in school desegregation: pupil-to-pupil relationships, pupil-to-teacher relationships, integrated curricula, segregation and discrimination within integrated facilities, dropouts and pushouts

of black youngsters in integrated schools, firing and demotion of black teachers and principals and its impact on the black community and most important, segregation "Northern-style." But these issues will never be reached by this Administration, and perhaps not by any future Administrations, unless we can survive the 1970-71 school year, because black folks are no longer knocking down the white school-house door to "integrate."

As reporters, you should be gathering background information now, and storing it for use this fall. You ought to know the Administration's plans for dealing with potential violence this fall, boycotts and demonstrations by black and white students and teachers, and I urge you to not just wait for the headline-making events, but to find out, now, what action the Secretary and HEW and the Administration is or is not planning to take that will really be responsible for the headlines this fall. HEW has great monitoring plans for the fall, but what are the follow-up plans; what criteria are being established to set priorities for monitoring and review; what are the plans for dealing with reneging school districts—administrative action, court orders or what, and why one method over another? And if judicial action is going to be the principal vehicle for enforcement, we are in for trouble. I cannot overemphasize that.

The 1970-71 school year is going to be the most critical in the history of the school desegregation effort. Your responsibility is to know whether the Secretary has made any effort to single-out the issues that will make for success or failure of compliance in September, and whether he has formulated any specific and detailed plans to deal with them. Those of us outside of government will be looking and hoping that Secretary Richardson will rescue, at least, his own school desegregation program from the Justice Department because Justice cannot run the entire program. It would be worse if the Office for Civil Rights staff continue to be the "errand boys" for Justice, going out, finding the facts and turning the file over to Justice, hoping it will take action.

This Administration is famous for saying, "Watch what we do and not what we say." Well, last week Assistant Attorney General Jerris Leonard said to Senator Mondale and the Committee on Equal Educational

Opportunities that his office would examine any complaints of discrimination or segregation brought to his attention this fall, but that he was not going out looking for complaints or trouble. And while I personally plan to watch what he does, I am compelled to comment that what he said was simply awful. You and I know that having no affirmative compliance review program and relying solely on complaints to enforce the law is the absolute wrong way to guarantee the constitutional rights of children. Moreover, I fear that this statement will be construed as *carte blanche* by some school people to do whatever they want to do, and to threaten local black citizens with all kinds of repressions and reprisals if they complain to the Justice Department. I would be interested to know and hope that you would be interested to know whether Secretary Richardson shares Mr. Leonard's view about enforcing the law, if he does, we might well see the final curtain fall on the concept of integration of public education in America.

The Nixon Administration: A View From Inside

J. Stanley Pottinger

In a previous Administration, the President's Committee on Equal Employment Opportunity released figures on the "progress" made in the hiring practices of some of the firms under the committee's programs. The following week the editor of a Negro newspaper wrote an editorial that began, "When somebody points out how far I have come, I am the ungrateful kind of so and so who points out how far he has got to go."

With that in mind, let us take a look at where we stand today in the historic effort—begun with the Supreme Court decision of 1954—to end once and for all the dual school system based on race. When the present Administration assumed office in January of 1969, figures indicated that approximately 18.4 percent of the black pupils in the eleven Southern states attended schools that were at least 50 percent white.

This figure has risen to an estimated 27.5 percent in the school year 1969-70. This is, of course, only one of HEW's ways of measuring successful desegregation. There are other ways—such as measuring the thousands of white youngsters now attending schools with substantial black enrollments. Or, for instance, in majority black districts—and approximately 35 percent of all black children in the South live in such districts—it may be more appropriate to measure the number of black pupils attending schools that are no more than 80 percent black in enrollment. In the latter category, tentative figures reflect a 50 percent improvement in the

school year just past. In addition, countless black and white youngsters in the South are taught and supervised by teachers and staff of the opposite race.

In the eleven Southern states, 1,631 districts are listed as having desegregated prior to the 1969-70 school year, and 346 listed as desegregating in the school that year. As of July of 1970, more than 400 districts are committed—more than 150 by voluntary plans with our office—to desegregate totally this fall.

As you know, there remain at present roughly 150 school districts that still have not committed themselves to end the dual system "root and branch" by the fall of 1970. These districts currently are operating under neither a voluntary plan with HEW's Office for Civil Rights nor a court order. They are the immediate concern of those of us with enforcement responsibilities in the federal government.

The Administration has reached this point after continual negotiations with hundreds of school districts, especially since the Supreme Court's ruling in *Alexander v. Holmes* in the fall of 1969, the word has gone out to school officials and the public that, as stated by the Court, "The obligation of every school district is to terminate dual systems at once and to operate now and hereafter only unitary schools."

I

The word has gone out in President Nixon's comprehensive and unprecedented message of March 24, 1970, on where we stand and where we are heading in the field of school desegregation.

The President began that message by saying, "We are not backing away. The Constitutional mandate will be enforced."

And the word also went out when the Administration's civil rights enforcement officials, including myself, traveled around the country just after March 24 to follow up the Presidential mandate. To my knowledge, this was the first time that an administration-wide team came South to explain federal desegregation policies, to listen to local problems and to negotiate for immediate remedies. This was the first time that federal officials, to-

gether, went to the cities and towns where the desegregation issue was paramount and announced that the law would be enforced and that technical assistance would be available to do the job. Representatives of HEW's Office for Civil Rights, the Civil Rights Division of the Justice Department, the Cabinet Committee on Desegregation and the Office of Education went to Dallas and to Atlanta, to Chicago and to Raleigh, to Jacksonville and to Jackson, to Columbia and to Nashville.

For the most part, we received heartening co-operation from school officials and elected school board members, who said with us, "We recognize that the job must be done and done now."

Since the President's message of March 24, more than 100 districts have come forth with voluntary plans to desegregate in the fall of 1970. Each of these plans eliminates the dual school system for pupils, assigns faculty substantially in accordance with racial balance and commits the school board to non-discriminatory treatment of staff and faculty and to the offering of all school services on a non-discriminatory basis. Each of the plans could meet the approval of any Administration judging plans under current constitutional standards.

We cannot assume, of course, that compliance on paper equals compliance in fact, but with that written assurance we are now able to deal swiftly and effectively with any school district that reneges on its agreement.

II

While this large effort in the South has received most of the public attention, the Office for Civil Rights has not been preoccupied with this task alone. Simultaneously, we have moved on other fronts. We continue to gear up our program of compliance reviews in Northern school districts where *de jure* segregation — that is, school segregation based on official action—is more subtle in form but no less invidious in its results. It is also true, however, that achieving desegregation results outside the South ordinarily requires a greater effort on our part, and consequently a greater length of time. In one Northern community with 8,000 pupils it took us 35 manweeks just to compile proof of illegal official action. In a state

where there had been a segregation law on the statute books, a comparable case is already established for us. Despite the legal complexities of our Northern program, we believe that by developing legal precedents, by voluntary negotiations, and by educating the public to the subtleties of Northern-style *de jure* segregation, we will succeed in helping to eliminate racial isolation here at least to the same extent that we have in the South.

Further, we are increasingly concerned with the quality of integrated education that is developing, North and South. Even before we have fully completed our responsibilities for insuring desegregated pupil assignments, the Administration has begun to remind school districts of their obligation to eliminate any and all discrimination within integrated schools. Obviously, classes and lunch hours and athletic activities may not be segregated on the basis of race, color or national origin, and school officials are being told this. Black and white students must be treated equally across the board, in issuance of equipment and in access to all aspects of school life. If there are found to be in-school violations of Title VI of the Civil Rights Act of 1964, steps will be taken to eliminate the practice through court action or fund-termination proceedings. Once again, in this new phase of Title VI enforcement, the emphasis will be on securing voluntary commitments through negotiations.

III

We all know that Title VI of the Civil Rights Act has been an effective tool in eliminating racial discrimination in federally assisted programs. What about discrimination based on national origin? That, too, is prohibited by the Act, although not until this year did the federal government move to enforce the Act with that in mind. In an advisory memorandum to school districts with substantial Spanish-surnamed Americans or Oriental-Americans or other national origin groups, we have served notice of possible violations of Title VI.

It is now our policy under Title VI to prohibit: Exclusion of such pupils from effective participation because of an inability to understand or speak the English language; assignment of such pupils to classes for the men-

tally retarded on the basis of criteria that essentially measure only English language skills; use of ability grouping or tracking that fails promptly to provide necessary language skills so that the tracking is not an educational dead end; and inadequate notification to parents of such pupils about school affairs, even if notification, to be adequate, must be in a language other than English.

Suits by the Department of Justice and by private plaintiffs have just recently broken new legal ground in this area.

There is another new area of immediate concern to us. That is to continue to provide adequate and imaginative federal funding to make the desegregation process work well, and to promote innovative educational experiences on an interracial basis in communities where housing patterns make such experiences rare for children of either race.

As you know, the President has asked Congress for $150 million to be appropriated under existing authorities for the Office of Education to make available to school districts desegregating under plan or court order. This money would be used to cover costs incidental to the desegregation process or to begin new projects to make that process work well. In addition, he has asked for $1.35 billion to be appropriated under the Emergency School Aid Act of 1970 for the same purposes.

These are some of the areas where the Department of Health, Education, and Welfare is moving and will continue to move. There are others. The specific goal of my office is laid out by the Civil Rights Act of 1964—to assure that federally assisted programs are free of discrimination. But our broader departmental goal is to assure equal educational opportunity to all youngsters —through sensible funding, through imaginative programs and through enforcement of the laws.

It is clear that this task must be done not only because the law itself demands it, but because our nation's common sense of values, given expression and authority through the law, has told us that it is clearly time to expand a whole generation's equal educational opportunities.

It is clear that the job we are doing must be done because, as the President said, "The call for equal edu-

cation opportunity today is in the American tradition. From the outset of the nation one of the great struggles in America has been to transform the system of education into one that truly provided equal opportunity for all."

I share with him the knowledge that the task is not a simple one, but also I share with him the expectation that all of us, as Americans, can reach the goal.

The Educational Effects of Desegregation

Meyer Weinberg

One of every seven elementary and high school students in the United States attends an interracial school. This record high level is still rising. What is known about these children? Do they learn more than if they were in segregated schools? How does interracial schooling affect the black child's aspirations and self-conception? How do black and white children get on with each other and with their teachers? What of children in other ethnic groups—Mexican-Americans and Indian Americans, for example? Is desegregation supported in black communities over the country? Finally, what can be said about organized research in the whole area of race and schools?

For purposes of this discussion the term segregation is defined as a socially patterned separation of people, with or without explicit sanction. The legal distinction between *de facto* and *de jure* segregation has not been found to be of any consequence in studying the impact of segregation upon children. The essential mark of a segregated school is not the presence of a certain ethnic mixture, although a number of practical measures of the mixture have been offered by students of the problem. Fundamentally, a school is segregated when the community comes to view the school in its nature to be inferior and unsuitable for privileged children. For example, a school is segregated whenever it becomes known as a

Note: This paper is based primarily on Meyer Weinberg, *Desegregation Research: An Appraisal*, 2nd edition (Bloomington, Indiana: Phi Delta Kappa, 1970)

"Negro school." The stigma imposed upon the school by the community makes it segregated; virtually always, a stigmatized school will be deprived of an equal share of community resources in as much as the control of the resources, too, is socially patterned.

If a school is considered by the community to be adequate for minority children but not for majority children, that school is segregated. A pragmatic test of this distinction is easily applied to what is often called "reverse busing," i.e., the busing of white children to a predominantly Negro school. White parents most frequently—and at times with justification—object that the transfer would result in their children being placed in a poor school with a negative effect on their learning. The significant point is not the accuracy of the white complaint, but the tacit assumption by whites that the same contention does not apply to Negro children.

The term desegregation is defined as the abolition of social practices that bar equal access to opportunity or that bar equal access to the "mainstream of American life." The effort is to create new patterns of interaction by altering the organizational and administrative structures that contribute to segregation. Desegregation is thus a matter than can be effectuated through administrative measures. It needs only to be decided, and it can be done; its success does not require special kinds of children or teachers or administrators.

The significance of desegregation is missed, however, if we characterize it merely as "moving bodies." To be sure, the attendance of Negro and white children in a common school is the most obvious feature of desegregation. It is psychological naivete to imagine that such attendance in a race-conscious society is without consequence for the students involved. The research results reported in the present work suggest that the consequences are pervasive, profound, and complex.

The term integration is defined as the realization of equal opportunity by deliberate cooperation and without regard to racial or other social barriers. The concept of integration stresses realization of equal opportunity: "Education which is equally bad for everyone is not integrated education; it simply skimps educational opportunity in like manner for all. Thus, integrated educa-

tion of low quality is a contradiction in terms."[1]

In an integrated school, individual differences would bear no stigma as it became clear that these were not social differences in disguise. Students, teachers, and administrators would cease making invidious comparisons as differences ceased being stigmatic. Acceptance, mutual respect, and cooperation are the tempers of an integrated school.

The term deprivation is defined as the socially-patterned withholding of educational opportunity from selected groups of persons. Reference is to a group pattern and not to isolated deprived persons. The concept of deprivation implies withheld advantages and this would seem to be more adequately conceived as a group phenomenon. Deprivation and privilege are opposites, even though the privilege be merely the right to attend a white school that is only slightly less inferior than the Negro school. Segregation has, of course, often been used to allocate opportunities among the deprived as well as the privileged; indeed, it is a question whether it has ever been used for anything else. Problems of deprivation are compounded by consideration of race and class. All the deprived, more or less, are also segregated. But for Negroes, race is an additional depressive factor.

II

In the present discussion, studies are examined which shed light on the experience of children in desegregated schools. Ideally, such a study would compare the achievement or other characteristics of individual children both "before and after" desegregation. Forces that impinge on desegregation—such as social class or region or residence —could be controlled while racial composition of the school or the classroom was varied. Unfortunately, attempting to separate the influence of social class from race is sometimes as difficult as separating the red from the white in pink.

Only a few researchers have distinguished between a desegregated and a transitional school. The latter is an all-white school in the process of becoming a predominantly Negro school; whereas a desegregated school is characterized by a stable interracial student body. Ob-

viously, the setting in the transitional school is highly unfavorable to constructive and productive student relations. Confusion of the two types of interracial schools is not uncommon.

One of the greatest educational handicaps under which minority children learn is the burden of a label. Negro children, for example, are often described as though they were all of a kind, each suffering identical handicaps, all following a single path of development. This stereotype ill-fits any group of children. It creates a special problem for the process of desegregation as parents and even some educators come to regard the minority children as uniformly poor academic achievers and antagonistic toward schools. Research does not support this misconception.

We have seen the inaccuracy of regarding all Negro children as identical in capacity and academic performance. There is another, related belief—viz., that while Negro children may differ among themselves, they can be grouped together in relation to white children. Over many years, commonsensical notions and research findings have accumulated in support of this belief. Only recently have contrary findings started to enter the literature in force. Some of these are reviewed later.

In 1965, Lesser and associates sought to discover the relative importance of ethnic and social class factors in cognitive functioning among children in the New York City area.[2] With reference to mean scores for verbal, reasoning, numerical, and spatial components of mental ability; Chinese, Jewish, Negro, and Puerto Rican children fell into distinctive patterns, in the following order:

Verbal: Jewish, Negro, Chinese, Puerto Rican
Reasoning: Chinese, Jewish, Negro, Puerto Rican
Numerical: Jewish, Chinese, Puerto Rican, Negro
Spatial: Chinese, Jewish, Puerto Rican, Negro

It was also found that within each ethnic group, middle class children scored consistently higher than lower class children. Nevertheless, the ethnic patterns were far more striking than the social class patterns. As for the practical educational consequences of these findings, the authors stated in 1965 that "we have not yet attempted to relate these patterns of ability to school performance."[3] Two years later, the researchers again observed that "we

do not yet know if attribute patterns associated with ethnic-group membership will, in fact, be identified as educationally important."[4]

III

A number of studies clearly demonstrate that desegregation helps close the academic achievement gap between black and white. This is achieved by black scores rising. A typical study was done at Duke University by Katzenmeyer in 1962.

Katzenmeyer studied the effect of social interaction on achievement of Negro and white pupils in the public schools of Jackson, Michigan.[5] He hypothesized that "the measured intelligence of the group of Negro children will be significantly changed as the consequence of school experience which enhances their opportunities for social interaction with the dominant white culture."[6]

All children entering kindergarten in October and November, 1957 and 1958 were given a standard intelligence test. Included were 193 Negroes and 1,061 whites. All were retested in second grade during October, 1959 and 1960. Treating the Negroes as an experimental group and the whites as a control, the mean I.Q. scores were as follows:[7]

	1957-1958	1959-1960
Experimental group	83.06	89.74
Control group	102.04	103.91

The change in means of the experimental group was found to be statistically significant beyond the .001 level. Katzenmeyer concluded that the change was to be explained principally by the social interaction between Negro and white children. In Jackson, he notes, "the great majority of the Negro population is confined to a small area of the city by economic limitations and by discriminatory policies and pressures in the sale of real estate . . . Thus, for most Negro children, entry into the racially mixed public school program represents the beginning of a period of increased social contact."[8] Another part of the explanation, according to Katzenmeyer, is the high per student expenditure in Jackson schools. Presumably, the Negro child, more deprived to begin

with, benefited more from the challenge of a more adequate educational program.

Geiger, in a study at the University of South Carolina, reported on a research study done after one year of desegregation in a southern city. Instead of tracing the progress of individual children, he was concerned with the effect of racial composition of classes on achievement. He reported that "no significant relations were found between percent of Negroes in the class and amount of achievement."[9]The results of the study, Geiger observed, "suggest that fears of necessary detrimental effects of desegregation on classroom achievement may not be firmly based."[10]

Lockwood studied certain factors in school achievement.[11] She compared Negro achievement in racially balanced (2) and imbalanced (5) schools in an upstate New York city over a two-year period. On a global comparison, no significant achievement differences were found between children in either type of school. However, when students were divided into groups who had attended balanced or unbalanced schools for two years or longer, a significant difference emerged in favor of the children[12] in the racially balanced schools.

IV

The research in the area of aspirations and self-concept permits the following generalizations to be made:

1. Negro students' aspirations are as high and often higher than those of white students.
2. If realism is defined by its correspondence with the status quo, then Negro youth in college are highly realistic aspirants.
3. The social climate of the school constitutes an autonomous influence upon aspirations.
4. If the community as a whole were to raise its aspirations for the low-status student, including the Negro, there would probably be an enormous educational stride forward.
5. To disentangle the separate effects of race and class upon self-concept is extremely difficult.
6. Desegregation has most often benefited the Negro child's self-esteem and virtually never harmed it.

7. Historical factors such as the civil rights movement are critical in raising self-esteem of Negro children.

8. Desegregation has facilitated Negro acceptance of color as a constructive factor, while heightening Negro willingness to live and learn with whites.

Much is heard nowadays about raising the self-conception of black children. Implied are contentions that (1) self-conception is poor and (2) self-conception and oppression are inversely related. Both contentions are misleadingly stated.

If high Negro self-concept and aspiration are only recent discoveries of social scientists, it is not because they only recently arose. Cox points out: "Even as far back as the days of slavery Negro aspiration was everywhere evident. We could not conceive of any institution of hope, such as the Negro spirituals, developing among the lower castes of India . . ."[13] Bond explained sardonically years ago: "For it is self-respect that gives to the American Negro that inner security in the face of real or fancied injuries which was accorded him as a member of a group definitely in its place."[14] A contemporary researcher, Coopersmith, accounts for the coexistence of oppression and high self-esteem: ". . . It is not discrimination per se but the person's acceptance of his oppressor's judgment and standards, and rejection of his own standards that is likely to produce self-devaluation."[15]

Guggenheim studied self-esteem among children in Harlem. He reported that low self-esteem appeared not to be a problem. Then, he proceeded to an important practical application of his findings:[16] "The results of this study certainly raise a question concerning the validity of pre-kindergarten and elementary school programs for disadvantaged Negro children that have as a primary goal the raising of self-esteem. . . . Strong evidence from this and other studies. . . . indicate. . . that many disadvantaged Negro children's school problems center around low achievement and not low self-esteem."

Coopersmith takes a step beyond:[17] "It may be that pride evocation is a rapid procedure for gaining esteem, and if so, may well serve as a first step in programs to increase initiative and motivation. However, unless esteem is subsequently related to skills, performance, etc. the motivation aroused may be socially unproductive."

Some time ago, Erikson explored this question with great wisdom. Two aspects of the general subject of identity are of interest here: (a) its substantive content and (b) its social-psychological dimensions. Both are illustrated by the following statements by Erikson:[18] "In this, children cannot be fooled by empty praise and condescending encouragement. They may have to accept artificial bolstering of their self-esteem in lieu of something better, but what I call their accruing ego identity gains real strength only from wholehearted and consistent recognition of real accomplishment, that is, achievement that has meaning in their culture."

And further:[19] "Identity formation goes beyond the process of identifying oneself with ideal others in a one-way fashion; it is a process based on a heightened cognitive and emotional capacity to let oneself be identified by concrete persons as a circumscribed individual in relation to a predictable universe which transcends the family."

To what extent does Erikson illuminate contemporary efforts to raise black self-esteem through Negro history and black culture? Where these efforts are substitutes for genuine achievement in basic cognitive areas, they seem actuated largely by condescension. Through much of the more recent literature on self-esteem appears the emphasis upon the cognitive dimension. Without such a consideration, we are left with hardly more than esteem-uplift. (One of the undoubted advantages of such programs is their low cost—in money if not in human promise.)

Student relations under desegregation have been marked by toleration, for the most part, and, less prominently, by both violence and positive respect. In many more cases than one would imagine, interracial friendships have developed. The old "saw" about students being more "liberal" than their parents is quite true, according to various studies. Whether in Syracuse or Detroit, students of the most varied social circumstances have learned to cooperate, and to their mutual benefit. Very few studies afford insights into the behavior of white students under desegregation.

Most administrative planning for desegregation has concerned political and (white) community problems;

very little has dwelt on changes in classroom and curriculum. By and large, however, teachers seem to have attended to the single most important change in the classroom—they have made the Negro children feel welcome. This is far from saying that interracial classrooms are typically operating at or even near the maximum benefit to Negro and white children.

On the other hand, press reports of desegregation in some areas of the Deep South suggest strongly that numerous teachers and principals have lent themselves to the humiliation of black children.[20]

V

Indian Americans, Mexican-Americans, and Puerto Ricans are the most educationally disadvantaged groups in the United States.[21] In numbers they include a half million, six million, and one million people.

As minorities, the three share certain disabilities. Being relatively powerless politically, their cultural distinctiveness has suffered from deliberate suppression as well as thoughtlessness. Segregation has been their usual lot in the schools, with Indian Americans suffering the most from this separation.

Miller studied Indian ninth-graders in twelve integrated schools in North Dakota. He first sketched the stark economic context of schooling for Indians: "A North Dakota Indian . . . who desires to live on the reservation today will be faced with the hard fact that 50 to 90 percent of the Indians residing there are unemployed . . . The problem. . . is one of how best to prepare many Indians for life as a minority group in the dominant white society."[22] Indian students at integrated schools achieved on a higher level and scored lower on an alienation scale than did Indians attending segregated schools; they also accepted more of the values of white society.

Nevertheless, white students preferred to have extremely little to do with any Indian. Miller divided students making sociometric choices into two groups: white students who had had Indian classmates for eight years (residents) and those who had transferred into the integrated school and thus had Indian classmates for less than eight years. He found:[23] ". . . Not only did non-

Indians select integrated Indians at a rate lower than would be mathematically expected, but that resident non-Indians selected those Indian pupils only to the same extent (seven percent) as did transfer non-Indians. Surprisingly, the attendance of the same school for eight years did not increase the acceptance of the Indians by their non-Indian classmates." Fifty-seven of the non-Indians failed to choose even a single Indian classmate.

Miller concluded that "integration is truly in name only, and that within each classroom a segregated situation generally exists."[24] The track system was found in some schools to create classes almost homogeneous racially. "Unless some improvement is made in the preparation for, and in the transition of, Indian pupils to integrated schools," declared Miller, ". . . such transfer could well be potentially more harmful than helpful to these pupils."[25]

Parsons studied the two worlds of the Mexican-American and the Anglo in a small town of 1,800 located 150 miles south of San Francisco.[26] Mexican-Americans made up 55 percent of the population of "Guadalupe."[27]

The family is the dominant relationship in the life of the Mexican-American child. Paramount are the obligations between parents and children and between brothers and sisters. Children are strictly supervised until they are twelve or thirteen; it is largely for this reason that Mexican-American children attend few school functions. Many of these cultural facts of life are unknown to Anglo teachers. As Parsons reported: "What some teachers have pointed out to the researcher as 'cliques' turned out to be groups of brothers and sisters and cousins who play and eat together because this is what is expected of them, by 'each other and by their parents."[28] What is family solidarity to some appears as ethnic cleavage to the outside observer.

But the ethnic cleavage is all but complete in Guadalupe. Except for a single teacher in the town, "not a single Anglo had ever been inside a Mexican home."[29] In every aspect of the town's life—making a living, church-going, recreation, and more—the Mexican-American feels his separateness and his subordination. The Mexican-American accepts the subordinate role completely.

The school is a typical Guadalupe institution. While Mexican-Americans make up only 57 percent of enrollment, the principal and teachers—all Anglo—over-estimate the percentage. Most teachers are convinced Mexican-American children are less intelligent than Anglo children. Parsons checked I.Q. scores for both groups and found the following distribution of mean scores:[30]

Grade	Anglo	Mexican-American
3	97	91
4	110	92
5	111	104
6	111	99
7	104	97
8	97	95

Ability-grouping is practiced to an extreme degree with the high-ability classes being almost entirely Anglo. A teacher explained to Parsons that such classes are kept as "small as possible because we feel that the brighter pupils deserve a chance to get as much as they can out of school without being held back by the kids who are dull or just lazy or don't care."[31]

Parsons sat in on numerous classes and compiled an extensive log of teacher practices that illustrated the every-day reality of ethnic cleavage. Anglo "helpers" were used by teachers; no Mexican-American children were ever so used. Very often and systematically teachers ignored Mexican-American children's hands in favor of calling on Anglos. Often, while Mexican-American children were reciting, teachers interrupted them to listen to an Anglo child. Teachers related very informally with Anglo children, inquiring about family affairs and the like; with Mexican-American children they were very strict. Teachers went out of their way to praise and encourage Anglo children while just as regularly criticizing Mexican-American children. Frequently, teachers explained to Parsons that preferential treatment for Anglo children was necessary because they were going to grow up to lead Guadalupe and they might as well get used to it early.[32]

Parsons administered sociometric tests in February, 1965. Anglos expressed stronger self-preferences than did

the Mexican-Americans. Anglos looked toward other Anglos for prestige while Mexican-American children looked to both groups. Mexican-Americans, however, were more interested in Anglo prestige than Anglo companionship.[33] In various ways the relative self-depreciation of Mexican-Americans can be seen.[34] "The Mexican pupils . . . considered themselves to be about as attractive as the Anglo pupils. When choosing persons who are thought to be unattractive, however, the Mexicans tended to choose in their own group more than among Anglos . . . ninety-four percent of the Anglos and eighty percent of the Mexicans chose Anglos as being "smart," and . . . eighty-eight percent of the Anglos and seventy percent of the Mexicans chose Mexicans as being dumb . . . Anglo pupils generally consider the Mexican pupils to be lazy and not to care, a consideration which, interestingly enough, is reflected in the choices made by the Mexican pupils themselves." Acceptance of social subordination is clear throughout.

The school of Guadalupe, then reflects strongly the value given to Anglos in the town. Parsons broadens his portrait: "Where, as in the case of Southwestern communities like Guadalupe, the social structure exhibits caste-like features based on ethnic differentiation, the school as one of the 'most vital of all institutions,' will be operated by and in the interests of the dominant group."[35] Parsons' study is outstanding for its realism, its intimate knowledge of the most ordinary details of everyday life, and for its clear concept of power in relation to education. We may be permitted perhaps the observation that the "Guadalupes" of America, while still numerous, are definitely becoming less important to the rapidly urbanizing Mexican-American. (In 1967, 175,000 Mexican-Americans lived in East Los Angeles.)[36] One hopes that Parsons' approach will be applied to the study of ethnic cleavage in the great cities of the country.

Many of the educational disabilities which burden Indian Americans and Mexican-Americans are shared by Negro Americans. Belonging to an ethnic minority in America and being poor besides creates a common plight. Many parallels can be seen in studies of self-concept, response to desegregation, and rising aspirations. If we add to poverty a continuing cultural segregation, the common plight becomes clearer. The urban Negro ghetto is re-

enacted, with even greater injury, on the isolated remotely-controlled Indian reservation. The factor of a "foreign" language—Spanish—becomes a barrier instead of a link. Yet, research reveals realistic methods to develop the potential of isolated minorities and permit them to live fruitfully with other children.

VI

A question has arisen as to whether white children in a majority Negro classroom can learn as much as in a majority white classroom.

A special analysis of data from the Racial Isolation study shows that average verbal achievement scores of white twelfth graders in predominantly Negro schools are lower than average scores in a predominantly white school.[37] Social class complicates the matter, however. As Pettigrew notes, the schools in question are not only predominantly black; they are also "predominantly lower-status."[38] There were too few upper status schools which were predominantly black for a statistical analysis.

An examination of the evidence suggests that those whites in predominantly Negro schools who scored low were virtually all from a low socioeconomic status. But *how* low? When the racial character of a neighborhood changes, the more affluent whites move first. As a rule, the whites who remain to the last are those too poor to find alternative housing. This might suggest that these poor whites are as poor as the Negroes. Armor has found, in a further re-analysis of Office of Education data, that "the social class index of whites in predominantly black schools drops below that of blacks.[39] These whites, then, are extremely poor and thus highly unrepresentative of whites in general. Accordingly, it is unwarranted to draw conclusions for all white children that are based on such an atypical group. Conceivably, for example, a minority of middle-class white children in a predominantly black classroom might well achieve at their customary rate.

A more direct approach would be to test samples of white students who are now in predominantly black and white schools to discover whether it is Negro predominance or extremely low social class that accounts for low white achievement; or indeed, whether low achievement

is the rule. Below is a list of 13 large city school districts in which at least 10 percent of the white students attend mostly-black schools.[40] Apparently, no study of these schools has yet been made. The general approach of the Office of Education ("Coleman") study holds that social class is far more important than race as a factor in academic achievement.

	Number of White students in predominantly Minority School	Percent of All White Students in School District
San Francisco, California	5,244	13.5
Oakland, California	4,233	21.3
District of Columbia	3,636	43.9
Louisville, Kentucky	3,197	10.8
New Orleans, Louisiana	3,465	10.0
Baltimore, Maryland	8,576	12.8
Detroit, Michigan	16,768	14.6
Flint, Michigan	3,629	12.7
Jersey City, New Jersey	2,138	13.0
Newark, New Jersey	3,936	28.7
Cincinnati, Ohio	5,861	11.9
Philadelphia, Pennsylvania	18,468	16.9
Richmond, Virginia	1,358	10.0
	70,509	

There is, however, a limit to how much light can be shed on this question by data from the Office of Education study. As has been pointed out, the study was cross-sectional, not longitudinal. Consequently, its findings are not applicable to problems of change over a period of time. Desegregation is just such a change. With the progress of the desegregation movement, black communities are demanding increasingly that some white students be assigned Negro schools rather than following the historic pattern of assigning Negroes to white schools. This trend may be expected to continue for it reflects, in large part, growing political power of Negroes and heightened black self-awareness. Thus, researchers will find ample opportunity for their studies.

Inside Negro communities strong support for school desegregation comes from adults who themselves at-

tended desegregated schools. Such adults are friendlier toward whites, seem to have a stronger sense of controlling their environment, and are happier. Adult whites who attended desegregated schools similarly favor desegregation both as a principle and as applied to their own white neighborhood.

Negro pro-desegregation sentiment was strong in Chicago, Detroit, Portland, Montgomery, and Washington, D.C. National polls taken in 1963 and 1966 found that Negro support of desegregation had increased. Numerous demonstrative public actions on behalf of desegregation were taken by organized Negroes; every part of the country was witness to these events.

Negro parents show a growing dissatisfaction with their lack of effective voice in school affairs. A contrary impression finds less and less support in the research.

VII

Stated summarily, the major effects of school desegregation are as follows:

1. Academic achievement rises as the minority child learns more while the advantaged majority child continues to learn at his accustomed rate. Thus, the achievement gap narrows. This finding is, for all practical purposes, established in relation to Negro children. It is less firm with regard to Indian Americans and Mexican-American children.

2. Negro aspirations, already high, are positively affected; self-esteem rises; and self-acceptance as a Negro grows. With some exceptions, this is firmly established for Negro children; indicated for Mexican-American children; and true in an indeterminate degree for Indian American children.

3. Toleration, respect, and occasional friendships are the chief characteristics of student and teacher relations in the desegregated school. Little informal socializing occurs outside school. Exceptions are numerous, with physical violence playing a diminishing role.

4. While culturally different from the Negro American, the Indian Americans and Mexican-Americans do not seem to respond to desegregation in any culturally unique ways.

5. The United States Office of Education Equal Educational Opportunity Study and the United States Commission on Civil Rights Racial Isolation Study lend strong support to the learning and attitudinal effects of desegregation. The latter study affords the stronger support but in no sense can the former be properly interpreted in the contrary direction.

6. The effects of desegregation on Negro Americans are evident; the support the Negro community lends to desegregation is widespread. The movement toward black nationalism has thus far, at least, not produced a mass disillusionment with the value of desegregation.

7. Virtually none of the negative predictions by anti-desegregationists finds support in studies of actual desegregation. The rejected predictions concerned lower achievement, aggravated self-concepts of Negro children, and growing disorder in desegregated schools.

The findings of desegregation research have not been widely circulated. Even some social scientists are not acquainted with the research. Recently, for example, a leading scholarly journal printed two seriously erroneous statements about research findings:[41] ". . . Practically all the studies of the achievement of Negro pupils who have been placed in "integrated" school environments, through busing programs or school pairings, have shown, at best, insignificant results. In many cases, desegregation has been associated with a decline in the performance of Negro pupils involved." These two statements are contradicted by research.

VIII

Future research trends are:

1. The scope of desegregation research will expand to deal more adequately with the Indian American and Spanish-surname Americans.

2. The units of research analysis will be both smaller and larger: (a) the classroom rather than the school will be studied; and (b) the school system rather than the individual school will be analyzed.

3. More universities will engage in desegregation research as desegregation becomes socially acceptable.

4. School boards will become more research-permis-

sive, if not research-minded, in response to increasing government requirements to demonstrate results.

5. In part because of a research emphasis on the classroom, desegregation will be more closely linked with pedagogical and instructional improvements.

6. Comparative perspectives will be employed increasingly as American desegregation problems are compared with foreign orientations to overcoming segregation and disadvantage.

7. Desegregation research will become more relevant to school practice as it is utilized by courts and administrative bodies to direct changes in educational procedures.

8. Federal executive agencies will encourage desegregation research by: (a) gathering nationwide benchmark statistics on racial aspects of schooling, and (b) expending more funds for research projects.

9. Congress will tend to be more receptive to desegregation research as research outcomes demonstrate the interdependence of educational improvement and desegregation.

10. Sociological and psychological perspectives will grow in importance in educational research to the mutual benefit of all the scholarly fields concerned.

During the past few years, research on desegregation and related topics has expanded appreciably. Most of the formal studies of actual desegregation are university dissertation projects. During 1967-1969, such research started to emerge from every major geographical area; and one cannot tell the region by the study's conclusions. Although welcome, often these studies suffer from two main shortcomings: (1) their restricted scope—one or two schools or several classrooms; (2) their meager method—frequently, the recording of differential mean scores between experimental and control groups is seen as the sole research problem.

Nor should one overestimate the extent of scholarly university interest in desegregation or in the more general area of race and schools. All in all, the picture is not inspiring.

In the future, the scope of desegregation studies might be broadened by organizing a school-system-wide analy-

sis. Only collective research efforts could carry through such projects. The Riverside School Study comes to mind as prototype. The method of desegregation studies urgently needs to be deepened and broadened. Research designs must include the exploration of the dynamics of the interracial classroom. This should include not only the social-psychological dimension but curricular and instructional adaptations. This can scarcely be accomplished without the investigator becoming deeply involved in the travails of daily classroom existence.

Many studies are written in a vacuum. In a study of a pairing of schools in New York City, the customary pre- and post-test mean scores are compared, with the Negro children attending the paired schools achieving significantly more in only one of several substantive areas. What the researcher did not reveal in the formal report was the living context of the study. Press reports told of intense community conflict over the course of the pairing, ability grouping separating the racial groups, lack of special preparation of teachers, and problems of administrative competence.[42] When the possible bearing of all this is taken into account, the modest accomplishment of the specific pairing experience takes on a different appearance.

Extremely few studies attempt to assess the role of the school and the school system in desegregation.[43] Creating a climate of change would seem to be such a role. A whole range of procedures and devices is within the administrative purview. Whether or not teachers see desegregation as an educational challenge with implications for their own traditional classroom approaches surely has a bearing on desegregation outcome. Desegregation is, for many children, a step toward individuation. Thus, guidance and counseling grow in importance. These, too, should enter into the evaluation of desegregation efforts.

Many of the research findings are contradictory and puzzling. Little in existing basic social and psychological research is very helpful in creating a more meaningful synthesis. Indeed, many social sciences concepts are found to be of limited applicability to the present problems.

For example, much of the theorizing and concrete research on self-concept and aspirations have been found to apply much more readily to white middle class children than to poor children, black or white. Social stratification research has shed extremely little helpful light on the role of social class in the Negro community. It is a considerable mistake to think that social scientists have a reservoir of concepts and theories to account for the social reality of race and schools.[44] The reverse is probably true: A very rich reality awaits the attention of social scientists.

The relationship between education and integration bears far more explication than it has thus far received. A disjunction between the two is often assumed by both partisans of and antagonists to integration. Nothing in the research evidence supports such a view. Eliminating the bonds of racial discrimination by itself helps create the framework of a better education. But this should not become an argument on behalf of planlessness. Specific instructional strategies—and this is what many people regard as "education"—must accompany an integration plan. This is the practical purpose of integration.

School desegregation is, of course, part of a movement for equal educational opportunity. This concept, as indicated earlier, is understood as comprising the right of access and the right to achieve. Clearly, either one may be attained alone. All children could attend schools but learn little. Or, few might attend but learn little. Or, few might attend and achieve much. The problem today is to work out universal access along with general quality.

Herriott and Hodgkins say:[45] ". . . What we are seeing today in the schools of our central cities are the manifestations of a conflict between the requirements of a modern society for appropriately trained manpower and the desires of many individuals for greater social justice through the equalization of educational opportunity. These two forces are in conflict because they are based upon competing priorities." The economy requires specialists and manages to influence the educational structure of the country to accommodate to this need. Much public money is used to train middle class children to become the specialists; their schools are relatively well-

financed. But, note Herriott and Hodgkins, lower-class youth and their schools do not serve the larger economic need because their services are not required. Those who would universalize educational access must reckon with the resistance of a society which tends to value highest that need which seems most "realistic." Viewed from such a perspective, the strivings of minority youth are likely to appear the most unrealistic.

Sussman has declared.[46] "Inequality of access may be waning, only to be replaced by differential chances to get a high quality education, which in its way is just as significant. While the educational level of the whole population has risen, the educational gap between the social classes, especially if measured by amount learned rather than years of schooling, may be as wide as ever. More succintly: "Unequal access to high school and university is replaced by unequal access to schooling of high quality."[47]

The movement against school segregation is an effort to end the growing separation of access from quality. If a new social segregation is added to the old racial segregation, inequality of educational opportunity will grow.[48]

The future of desegregation research depends, in large measure, on the future of desegregation. This may become clearer by a glance backwards. Dunbar writes:[49] "For Americans of a generation or even a decade ago to think clearly about the Negro problem was quite impossible. I cannot recall a single commentator, no matter how gifted, who had the understanding which we have today. This is not due to our intellectual merits, but to the fact that the Negro revolt has bridged over a mass of mental sets which we could not penetrate by thought." So, too, it is likely that the present generation has much to learn about the potential and the implementation of equal opportunity. We may learn something from events. The great danger is that old mental sets will overwhelm us. The color line is like a noose lying loosely around the neck of democratic reform. If we do not tear it away, it will tighten. In that case, all hope for educational reform will cease.

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[2]Gerald S. Lesser, Gordon Fifer, and Donald H. Clark, *Mental Abilities of Children from Different Social-Class and Cultural Groups* (Chicago: University of Chicago Press, 1965).
[3]*Ibid.*, p. 79.
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[5]See William G. Katzenmeyer, *Social Interaction and Differences in Intelligence Test Performance of Negro and White Elementary School Pupils* (Doctoral dissertation, Duke University, 1962) (University Microfilms Order No. 63-2227).
[6]*Ibid.*, p. 9.
[7]*Ibid.*, pp. 57-58.
[8]*Ibid.*, p. 64.
[9]Otis Glenn Geiger, *Effects of Desegregation on Classroom Achievement* (Doctoral dissertation, University of South Carolina, 1968), p. 27. (University Microfilms Order No. 69-5796).
[10]*Ibid.*, p. 29.
[11]Jane D. Lockwood, *An Examination of Scholastic Achievement, Attitudes and Home Background Factors of Sixth-Grade Negro Students in Balanced and Unbalanced Schools*, (Doctoral dissertation, University of Michigan, 1966) (University Microfilms Order No. 67-8303).
[12]*Ibid.*, pp. 49-50.
[13]Oliver C. Cox, *Caste, Class, and Race: A Study in Social Dynamics* (New York: *Monthly Review Press*, 1959, orig. 1948), p. 441.
[14]Horace Mann Bond, "Self-Respect as a Factor in Racial Advancement." *Annals*, 140 (1928), 23.
[15]Stanley Coopersmith, *Psychological Deprivation and the Development of Self-Esteem: Comments and Recommendations* (Bethesda, Maryland: National Institute of Child Health and Human Development, 1968), p. 9.
[16]Fred Guggenheim, "Self-Esteem and Achievement Expectations for White and Negro Children," *Journal of Projective Techniques and Personality Assessment*, 33 (1969) 70.
[17]Coopersmith, *Psychological Deprivation and the Development of Self-Esteem*, p. 15.
[18]Erik H. Erikson, "A Memorandum on Identity and Negro Youth," *Journal of Social Issues*, 20 (1964), 32.
[19]*Ibid.*, p. 33.
[20]See also reports by study teams of National Education Association in Mississippi, Louisiana, and East Texas; materials released by the Washington Research Project; and testimony by black children in numerous desegregation court cases.
[21]John K. Folger and Charles B. Nam, *Education of the American Population*, a 1960 Census Monograph (Washington, D. C.: Government Printing Office, 1967), p. 151.
[22]Harold J. Miller, *The Effects of Integration on Rural Indian Pupils* (Doctoral dissertation, University of North Dakota, 1968), p. 95. (University Microfilms Order No. 69-8560).
[23]*Ibid.*, p. 96.
[24]*Ibid.*, p. 97.

[25]*Ibid.*, p. 99.
[26]Theodore W. Parsons, Jr., *Ethnic Cleavage in a California School* (Doctoral dissertation in Education, Stanford University, 1965) (University Microfilms Order No. 66-2602).
[27]This town is Castroville, California.
[28]*Ibid.*, p. 139.
[29]*Ibid.*, p. 207.
[30]*Ibid.*, p. 264.
[31]*Ibid.*, p. 271; see, also p. 281.
[32]*Ibid.*, pp. 296-297 and *passim*.
[33]*Ibid.*, p. 355.
[34]*Ibid.*, pp. 361, 363, and 368.
[35]*Ibid.*, p. 391.
[36]Rep. George E. Grown, Jr., in U.S. Congress, 90th, 1st session, Senate, Committee on Labor and Public Welfare, Special Subcommittee on Bilingual Education, *Bilingual Education Hearings, II* (Washington, D. C.: Government Printing Office 1967), p. 427.
[37]See Pettigrew, "Social Evaluation Theory," p. 292.
[38]*Ibid.*
[39]David J. Armor, *School and Family Effects on Black and White Achievement: A Re-examination of the USOF Data* (Cambridge, Massachusetts: Department of Social Relations, Harvard University, June, 1969), p. 62.
[40]Peat, Marwick, Mitchell and Co., Jackson, Mississippi, "Analysis of Student Enrollment of One Hundred Largest School Districts," August 6, 1969, columns 7 and 8, Schedule 1.
[41]*American Journal of Orthopsychiatry*, October, 1967, p. 851.
[42]See Felix Kessler, "Integration Misfire," *Wall Street Journal*, October 12, 1966 and letter by Mrs. Eric Salzman, *New York World-Journal-Tribune*, October 14, 1966.
[43]See Robert E. Herriott and Benjamin J. Hodgkins, *Sociocultural Context and the American School: An Open-Systems Analysis of Educational Opportunity*, January 1969, p. 242 (ERIC No. ED 028 502).
[44]For further remarks on research needs, see especially, Katz and Gurin (eds.) *Race and the Social Sciences*, New York: Basic Books, Inc., 1969.
[45]Herriott and Hodgkins, *Sociocultural Context and the American School*. p. 277.
[46]Leila Sussman, "Democratization and Class Segregation in Puerto Rican Schooling: The U. S. Model Transplanted," *Sociology of Education*, 41 (1968) 323.
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[48]See George Mayeske, *Teacher Attributes and School Achievement*, paper presented at a U. S. Office of Education, Bureau of Education Professions Development Symposium, "How Do Teachers Make a Difference?" February 12, 1970, p. 20.
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The Position of a School Research Director

John L. Hayman, Jr.

I grew up in a small town in Alabama, and I attended public schools in that state. The schools were segregated in those days, of course. My undergraduate work was at the University of Alabama. With this background I have had a special interest in problems of desegregation.

I

I want to begin by telling you a little about the organization I represent, the Council of the Great City Schools, with offices in Washington, D. C. "Great" in our case means very large. We are a consortium of 21 of the largest school districts in the country. Our membership includes New York, Chicago, Los Angeles, Philadelphia, Detroit, Washington, and in general the largest districts. Atlanta is one of our members. Within our membership are some six million public school pupils, or a little more than 12 percent of the country's public school population. We say half facetiously that we have about 80 percent of the urban problems in the United States. This proportion may be a little high, but the urban situation is the common thread which holds our organization together.

Our purpose is to serve our members as they see fit. We are a not-for-profit corporation actually owned by the 21 school districts. Our board of directors consists of the superintendent and one board of education member from each district. Our members, therefore, set our pri-

orities and determine our activities. We exist at their pleasure.

I won't go into detail here about all our activities. We are in Washington, as you can imagine, in order to be close to the legislative process and to be close to agencies such as the Office of Education and the Office of Economic Opportunity, whose activities affect our clientele. As research director of the Council, I am most directly concerned with matters of research and evaluation in the large cities.

Moving a little closer to the substance of my topic here—which is to discuss desegregation and integration issues from the point of view of a school research director —I would like to mention two Council projects.

One of these we call the Race and Education Project. The purpose of this project is to provide technical assistance to member districts in the area of desegregation and integration, and almost all of our districts have these kinds of problems.

The Philadelphia schools are fairly typical of the larger districts in this respect. About 58 percent of pupils in Philadelphia are black and another three percent are Puerto Rican. Most of these children attend segregated schools, as do most Caucasians in the system. It's *de facto* segregation, of course, but the denial of opportunities is the same as if it were legally mandated. This situation exists in spite of an expressed commitment to curb rights for years and in spite of a liberal school board headed by Richardson Dilworth. It exists because of housing patterns, because black people are trapped in the inner city and because whites, with their greater mobility, flee to the outer fringes, or to the suburbs. It exists in fact, and its effects are as insidious as those deliberately perpetrated in locations like Dallas County, Alabama, or Prairie County, Arkansas.

A segregated situation is causing the denial of educational opportunities, and the Philadelphia schools are under court order to produce an acceptable desegregation plan. As research director of the school system there, I had the responsibility for maintaining demographic information on the city and the individual schools, and I was in on attempts to write the desegregation plan.

I'm sure that most of you are familiar with similar situations. There's just hardly any way that the Philadelphia schools can be desegregated, as long as housing patterns remain as they now are. The system has some 290,000 pupils, about 80 percent of whom attended schools which are predominantly of a single ethnic group. To overcome this situation through busing, something like 120,000 pupils would have to be transported each day, and this is literally impossible. Streets in Philadelphia are narrow, there is no good expressway system, and traffic is already a snarled mess. Adding 1,200 to 1,500 school buses to this mess twice a day simply will not work.

Long hours have been spent trying to rearrange school boundaries to produce more integrated situations. This approach at best has limited utility. Philadelphia is very large, and there is surprisingly little in the way of integrated housing. The pattern, rather is to have large sections which are homogeneous in terms of ethnic characteristics. I refer to sections encompassing hundreds of city blocks. School boundary changes are effective only where two such sections meet and affect only a small proportion of the population.

Other solutions, such as open schools, high schools which specialize in particular subjects, special learning centers and the like, help but again are relatively ineffective because they involve at most only a few thousand students.

I do not mean to sound like the voice of doom with this recitation, but the fact is that the situation is almost impossible. I have seen hundreds of hours spent by concerned people racking their brains and their souls to find a solution, and it is simply a matter with components beyond the power of the public schools to change. Added to the discomfort of being unable to find a solution is the atmosphere of charge and countercharge in which one must work. Black militants are absolutely certain that the establishment is deliberately dragging its feet and determined to preserve a situation which relegates certain children to inferior status, and they lose no opportunity to make these views known. White militants, on the other hand, have organized into the Neighborhood Im-

provement Association—that's the Philadelphia equivalent of the White Citizen's Council—and are spreading their poison and blocking the road at every opportunity.

The Council of the Great City Schools, the organization for which I work, has made a careful inventory of approaches to desegregation and is in position to help ferret out the best solution in specific situations. The outcome, as you might guess, is usually to use a variety of approaches—such as busing, boundary changes, and special centers—to affect as many children as possible. The Council has assisted in Philadelphia and in other cities. Our staff worked six weeks last fall in San Francisco to help write the desegregation plan there. In any event, this is a Council activity which is directly relevant to the topic at hand.

I mentioned a second project. It is a training project and is oriented toward desegregation of administrative staff in the large school districts. I'm sure you are well aware that blacks and other minorities are under-represented at the different administrative levels. Our member districts would like to change this pattern, but they run into a lack of training and experience. Our project is designed to provide special training—both of a formal and an on-the-job variety—to a substantial number of persons.

II

I would like to shift gears here and get a little closer to the topic assigned to me. As I mentioned earlier, I am to talk about desegregation and integration problems from the viewpoint of the school research director.

One area, which relates in some ways to desegregation and which relates in many ways to the provision of equal educational opportunities, is testing. This is an important and difficult area and one which has caused us more headaches than I would like to remember.

Testing, as you probably know, is under heavy attack nationally, and the claim generally is that test results are used to restrict the educational opportunities of students, especially those from minority backgrounds. The controversy rests on a mixture of fact, of emotionalism, of political struggle, and of social unrest.

It has become a major issue because, to put it simply, black and other ethnic minority students do not, on the average, perform as well on tests currently in use as do children of the dominant group. If a standardized achievement test, such as the Iowa Test of Basic Skills, is administered to all pupils in the Atlanta (or Philadelphia or Chicago) schools, black children will tend to score lower than will white children. This outcome is intolerable to those who desire equal educational opportunity or who are egalitarian in their view of man.

Why would such results occur? There are at least three alternative explanations. One, which is clearly unacceptable to the large majority of people in our society, is that the results reflect real group differences in basic ability. A second is that educational opportunities available to different groups have been different. Thus, black children tend to score lower on such tests because the quality of their educational experiences has been lower. Still, a third explanation is that the tests are culturally biased, that is, they are structured so that they favor certain cultural backgrounds.

Given that the inherent-group-difference explanation is unacceptable, which of the other two is likely to be more correct? Evidence suggests that there is truth in both of them, as well as in others. I have had the interesting experience of being attacked from two directions by the same individual. That is, a person will wax eloquent about the harm being done through testing, about tests being culturally biased and otherwise irrelevant, and about the need to abolish them. Almost in the next breath, the same person will use test results to club the school district. The argument in this case is that results show clearly that black (or other minority) children are not being taught as much as their white counterparts and that great changes are in order. The latter argument is valid, of course, only if one assumes that the tests *are* valid. I've never figured out how to come out ahead in this situation. Pointing out the logical inconsistency just irritates. This situation illustrates rather well the fact that the testing is a political and social as well as a technical problem.

I will not go into any long technical discussion of testing, but I would like to discuss some testing issues a bit

and to recite a few experiences. To put the discussion in proper context, I think we should consider for a moment the purpose of testing. First in importance by far is support of instruction. A test gives information about the child's current status, and it provides a basis for decision about the next instructional experiences he needs. A great deal has been made for years about the need to individualize instruction, that is, to structure a set of unique instructional experiences for each child according to his unique needs. Obviously, this cannot be done unless one knows a lot about the child. Does he need help in word-attack skills? Perhaps, but the decision-maker needs a way to be sure, to measure precisely his current level in the word-attack area, to get a fix on where he now stands and where his weaknesses are. Testing is the most effective and efficient way to get part of the needed information. Used properly, it should be invaluable as part of the instructional process.

A second use of test results is for reporting and accountability purposes. More and more, test results are being used to assess the performance of complete school systems and of individual districts and schools within these systems. Here is where egos are blasted—largely black schools tend to have lower average scores than largely white schools—and instructional practices are attacked. Use of standardized achievement and ability tests — those now administered almost exclusively in our school systems—for this purpose is dangerous. I say this in spite of the fact that I have been a party to the public release of test results. The tests now in use were never intended for accountability purposes and misunderstanding of them leads to too many erroneous conclusions. A new approach—something like that being followed by National Assessment—would suit accountability purposes better.

A third use of test results is to support research and evaluation activities. This doesn't thrill too many people, but it is close to the heart of an old research and evaluation man like myself.

The point that I'm attempting to emphasize is that testing is an important activity, and it should serve mainly to support the instructional process. Notions that it can somehow be eliminated should be dispelled because

they fly against other current trends in educational practice. There is a clear movement toward systems approaches and toward greater specificity in what one aims to accomplish instructionally at specified program points. Use of highly specific behavorial objectives is strongly advocated so that the teacher—or the instructional manager, as he may be called—can keep close track of the child's progress. Testing is obviously an integral part of this process; it's part of the feedback mechanism, to use systems terminology. I spoke a moment ago about people in almost the same breath attacking the validity of tests and using results from these tests to impugn the system. I have been in similar situations where all of testing was attacked and at the same time a highly structured system approach to instruction advocated.

III

Testing is vital, therefore, but the question remains as to whether it can be harmful and whether it impedes the process of integration and of the provision of equal opportunity. The fact is that it can pose a clear danger if improperly used.

Bowdoin College recently eliminated the use of the College Boards and other such tests for entrance requirements, and other colleges are likely to follow suit. These institutions would like a better integration of their student bodies, and tests as currently used tend to keep black students out. The issue is really one of cultural bias, the belief that tests now in use place members of particular subcultural groups at an unfair disadvantage.

Bias can have two meanings so far as testing is concerned. One, called systematic bias, refers to a test on which members of a particular group systematically score below their true value on whatever the test is intended to measure. A simple example of this occurs when a child is given a mathematics test in a language with which he is not thoroughly familiar. The language problem prevents his performing at his true level in math. A second kind of bias is predictive bias, where a test underpredicts what some later performance will be. This is what is alleged to happen with the College Boards for example. They are given as an entrance requirement in

the belief that they predict how an individual will perform later in college, and to the extent that they underpredict the performance of a black student or a student from some other population subgroup, they are culturally biased and have the potential for harm.

Cultural bias undoubtedly exists in tests and to some extent it prevents integration and restricts opportunities. For a time, attempts were made to overcome this problem by building what were called "culture-free" or "culture-fair" tests. So far these efforts have failed, partly because no person can really operate free of cultural influences. A test which is free of cultural effects turned out not to measure anything of much value, or so it now seems. The answer at this point in time does not appear to be in culture-fair testing but in relating testing much more specifically to instruction and using it less for prediction purposes.

IV

Testing used for prediction can be harmful at the public school level, as well as the college level, and can go a long way toward preventing desegregation from becoming integration. I refer here to the fact that children from different backgrounds can be physically placed in a building and can still be isolated from each other. If grouping and tracking systems are used, children who score alike on a particular test are likely to be placed together for instructional purposes. It happens that black children, as indicated before, tend for many reasons to score lower on tests than whites. This difference disappears if children are from the same socio-economic background, but most integration involves blacks of a lower socio-economic background than the whites with whom they are mixed. They score lower, and in the grouping which follows, they are again separated.

Furthermore, grouping tends to determine for some extended period the level of instruction a child will receive. Something like the self-fulfilling prophecy occurs; a child is instructed at a particular level, and he tends to perform at that level—whether or not it is the level at which he could perform.

I noted that misinterpretation can cause difficulty in

the testing area. Quite often the purposes of achievement and of aptitude and ability testing are confused. This is especially likely among parents and other lay persons, including newspaper reporters. It sometimes happens among teachers.

Aptitude and ability tests, of which IQ tests are the best known example, are thought to measure some stable, underlying trait. They are considered to get at something more or less permanent and thus to predict what later levels of performance are likely to be. It turns out in practice that these scores are quite changeable and relate strongly to the past experiences a person has had. Still the construct they represent, of being measures of a fixed characteristic, causes them to be potentially harmful.

Achievement testing is conceived quite differently. Where the notion is that levels of skill development—a clearly changeable quantity—are being measured. Nothing underlying or permanent is considered to be involved. This at least is the construct, and clearly a measure of current status of something which can be changed has different implications than a measure of an underlying unchangeable trait.

Trying to explain these differences and to explain what a set of test scores means can be a time-consuming process. I think I might pass on a little anecdote at this point just to illustrate what can happen.

Shortly after I arrived in Philadelphia as director of research in September of 1966, the first set of city-wide standardized tests in the city's history was administered. Until that time, the school administration had periodically assured the local populace that they had one of the finer public school systems in the nation.

When the results of the testing were learned, they were as one might have expected, that is, they were quite similar to results obtained in Detroit and New York and other cities with populations and problems similar to those of Philadelphia. In spite of the fact that this outcome might have been expected, the results brought on a great hue and cry. The Board of Education decreed that the public should be informed and that the results should be released on a school-by-school basis. They were pub-

lished in all of our local papers.

I made the initial appearance on television to explain what we found, and it turned out to be one of the biggest news stories of the year. I was on television a number of times and was even the subject of special articles in the newspapers. I began to like it so much, I almost quit my job to go into show business.

In retrospect, I am not certain just what was accomplished by the release of test results. Certainly, the city needed to face the plight of its public school system, and our action forced this confrontation. In this respect it was good. On the other hand, it brought great pressure on a number of principals who were doing commendable jobs under very difficult circumstances. Also, it may have hurt the cause of integration by frightening whites and hastening their flight to the suburbs.

I have probably dwelled too long on testing. It is one of the difficult problems in urban education today, and it has direct implications for desegration and integration and for the improved educational opportunities they are supposed to provide.

V

Desegregation and integration—or at least the sentiment which accompanies these movements—can be seen in a negative way in one sense by the school research director. I may not sound like the liberal I perceive myself to be in the material which follows immediately, and I must say that here I am wearing a different hat—that of the objective empiricist.

Where any kind of research or evaluative information is to be produced relative to desegregation, the pressure is always very strong to have results fit a predetermined pattern. Empirical outcomes, in other words, must be consistent with views arrived at philosophically. This is not only distasteful to the researcher; it is dangerous in that it leads to oversimplified solutions that leave basic problems unsolved. I will try to demonstrate what I mean.

Take the area of busing, for example. The Coleman report and the Racial Isolation report, are cited as evidence that racial integration of students results in im-

proved academic performance. These studies in fact *do not* support that notion. They are irrelevant to it. They represent cross-sectional studies in which longitudinal effects cannot be demonstrated. Black students in integrated situations were found to perform better than those still segregated, but cause-and-effect is not established by this relationship. It could just as well be that the black students in these studies were in integrated situations because they were better performers.

Part of the Racial Isolation study involved a number of students in Philadelphia. Some of these were black students who were supposed to have been bused. I was asked to check the data, and found that these students had been misidentified, that they were actually attending schools in the neighborhood in which they lived. Their superior performance had nothing to do with busing, contrary to the conclusions stated in the report. When the mistake was made known, we were informed that it would not be acknowledged or corrected, that the conclusions were correct anyway. Now, that report is cited as evidence, as we have seen today.

A number of school districts around the country have attempted to study the effects of busing and have produced very equivocal results. The methodology of many of these studies is admittedly weak, but nevertheless no trends have been found. On reading these reports, one consistently finds statements that no effects were found in the hard evidence, and then follow very clear attempts to draw positive conclusions anyway. The pressure is clearly on to show achievement-positive effects from busing.

We conducted some studies in Philadelphia which come closer to the truth. They show that busing into a previously all-white setting may be helpful to the black child, or it may be harmful, depending on other conditions. In our first study, we found what we hoped—that black children who were bused performed better than would otherwise have been expected and that those in the receiving school and those left in the sending school performed about as expected. They showed no evidence of harm, in other words. A later study gave us a considerable shock, however, when the bused children performed

more poorly than expected. I was so suspicious of this outcome that I had all of the data rechecked and had the analysis rerun. The results stood. This seeming contradiction needed explanation, so we preceeded with another study, using observational and sociometric techniques to get at what was actually happening in the classrooms. We found a number of black children who were just as isolated the last day of school as they were the first day they were bused. No integration had occurred, and these children suffered because of the situation they were in.

Thus busing is a complex issue and helping people achieve at higher levels involves a lot more than merely transporting them and plunking them in a new setting. It involves programs to retrain teachers and continued activities designed to promote social integration. It involves making parents part of the school community in spite of distances involved. Without these things, the experience can be harmful.

Another clear example of the effect to which I refer, that is, the uncritical acceptance of results that fit one's predetermined notions, occurred in the last two years. Everyone here, I am sure, has heard of Pygmalion in the classroom, the famous Rosenthal-Jacobson study which seemed to strongly support the self-fulfilling prophecy phenomenon. The study involved giving teachers erroneous information about past pupil performance and thus presumably manipulating the teachers' expectations about what pupils could do. The outcome was that pupil gain during the year related more closely to the erroneous information than to the true test scores, which had been withheld.

The study attracted attention quickly, and the conclusions drawn from it swept the country. The answer to our educational problems was very simple. All we had to do was to get teachers to believe that students would perform well, and the students would actually perform well. Conversely, when a student failed to perform, the blame could be placed on the teacher, who obviously did not believe.

Unfortunately, more cautious individuals began to check the work, and they found serious methodological flaws. The effect, it turned out, occurred for only some of

the students in the study, and it could have resulted from chance. A number of attempts to replicate the study followed, and several of these were reported at the American Educational Research Association convention in March, 1970. An exact replication in Cleveland produced no positive findings. Other investigators found evidence of an effect, but they found it to be complex. The efficacy of the self-fulfilling prophecy phenomenon was found to depend on such things as the direction and strength of the child's self-concept, on other personality characteristics, on his ability level and his past achievement level. It was also found to relate to certain teacher characteristics and to the rapport existing between teacher and child.

There is no doubt that the self-fulfilling prophecy phenomenon exists and it can be used to good effect in education. It is not well understood at this point in time, however, and more research is needed before it can be put to effect. In the meantime, harm has been done to teachers, and people have had the disappointment of having dashed their hopes that a quick solution had been found.

The point is clear, I hope, that, from my point of view, at least, research and evaluation can be useful in helping to solve difficult problems only to the extent that it can approach these problems honestly and without the pressures which come from trying to support predetermined positions.

VI

I'm almost at the end of my remarks, and I fear I have remained too much in a negative vein. The problems are serious and difficult and frustrating, and they give the researcher, as well as other school personnel, an almost impossible task. From the researcher's point of view, there is a positive side to it. The desegregation situation has produced a number of interesting research questions and has given the school researcher direction in his activities.

I won't go into detail on this point, but just to list a few examples, there is a great deal of work, that is, a lot of unresolved questions to be addressed, in such areas as grouping and tracking, career development, and early

childhood education. I spoke at length about testing. Work is needed there to look at such things as the test-taking skill and how it might be developed.

Implementing Desegregation: Louisville, Kentucky

Carl R. Hines

The timeliness of my assigned topic was brought forcibly to my attention when recently there came across my desk a copy of an article titled, "The Louisville Story—1970". In the article—published in a supplement to *Race Relations Reporter*, a publication of the Race Relations Information Center—John Egerton recalls the national acclaim accorded the Louisville public school system and its then superintendent, the late Omer Carmichael, for success in making a peaceful transition from pupil segregation to desegregation in 1956. Indeed, according to Carmichael and Weldon James, his collaborator on a book called *The Louisville Story*, Louisville moved, in a single day, from total segregation in all of its public schools to a degree of desegregation that involved 73 percent of the enrollment and 55 of the city's 75 schools. But, says Egerton, "From the perspective of 1970, the Louisville Story of 1956 seems neither a glittering success nor a chronicle of total failure. The city did initiate a fundamental change in its 'way of life', and it did so without great turmoil or upheaval. Furthermore, it has made further strides in school desegregation since 1956, and its record now—on paper, at least—is more impressive than that of all but a few cities with large black populations, including any of the cities of the South.

"But there is another side to the story. It is told in terms of white flight to the suburbs or to private schools, of continued segregation in the teaching and administrative ranks (though that appears to be changing now),

and of resegregation in other schools as the whites have fled. And it is told in the grimly familiar terms of poverty and slums surrounded by—and effectively cut off from —affluence and 'the good life'.

"An updating of the Louisville Story after 14 years of desegregation there brings to the surface evidences of success and failure, some signs of hope, some feelings of hopelessness, new strategies that seem promising, a pervasive uncertainty about what the future holds, and far more complexity than there was back when the issue—segregation—was unmistakably clear, and you could tell who the adversaries were without a program."

I

In the time allotted me, I should like to suggest some reasons for a fresh approach to the implementation of desegregation, to explore briefly some alternative strategies that appear to be available, and to share with you some of the plans and programs that have been launched within the past year by the five-member Louisville Board of Education and our new superintendent of schools, Dr. Newman Walker.

Before doing any of these three things, there may be some appropriateness in clarifying the key terms in my topic. Without being laborious about it, let me simply say that I have no intention of engaging in hair-splitting distinctions between "desegregation" (often thought of in terms of "body mixing") and "integration" (often thought of in terms of improved interpersonal relationships). For the purposes of these remarks, I am addressing myself to both aspects of what I consider a common problem.

By "implementation" I reject totally consideration of any plan or strategy that involves deviousness or subterfuge. In short, it is assumed that we are discussing good faith attempts to deal with biracial education.

Further, you have a right to know that the remarks that follow are predicated on the assumption that we share certain conclusions reached by virtually every prominent investigator in fields germane to our topic. As Dr. Irwin Katz of the University of Michigan put it bluntly in a paper titled "Desegregation or Integration

In Public Schools? The Policy Implications of Research," "The dominant fact that emerges from the recent research endeavors of the U.S. Office of Education and the U.S. Commission on Civil Rights, is that educational opportunity is greater in racially balanced than in racially isolated schools. These historic studies show beyond any reasonable doubt that the academic attainments of both white and Negro pupils are significantly higher in majority-white classrooms than in majority-Negro classrooms."

Similarily, Harvard's Dr. Thomas F. Pettigrew, in *The Consequences of Racial Isolation In The Public Schools: Another Look* saw the following as practical considerations for educational policy to be deduced from a review of research by Coleman, Taeuber, Schwartz, and others:

1. Careful attention to the "social class" mix of school student bodies is indicated, for children of all regions, groups, and classes tend to perform best academically in schools characterized by a middle-class milieu.

2. Teacher quality, but not the typical range of school facilities, relates to student achievement. Special attention to upgrading a system's teachers seems justified, especially in the verbal achievement domain.

3. Racial composition of the school and classroom is important for academic, attitude, and personality reasons; and it operates in addition as well as in concert with the more powerful school social class factor.

4. In terms of the achievement consequences for both white and Negro children, it is useful to define a "segregated" school as one that is predominantly Negro, a "desegregated" school as one that is interracial but predominantly white, and an "integrated" school as one that boasts both desegregation and cross-racial acceptance and friendship. (Valuable means of moving from a merely desegregated school to an integrated one are discussed in Professor Katz's paper referred to previously.)

5. The academic and attitude benefits of integrated education for both children of both races are maximized when they begin their interracial experience in the earliest primary grades, it is, of course, politically most difficult to desegregate the elementary level; but it is also true that it is most difficult to achieve real integration—as opposed to desegregation—when the biracial contact

begins at the junior high and, particularly, the high school levels.

6. On the basis of the record of the many popular attempts to date, it does not appear that so-called "compensatory" education in segregated schools is an effective substitute for integrated education. While these programs generally represent an improvement in school morale and climate, they have not led to lasting academic improvement of Negro student achievement. When at all politically and financially feasible, the most attractive possibility is to combine such programs with school desegregation.

II

At first glance, the need for a fresh approach to desegregation may not be readily apparent. Egerton himself acknowledges, "For a school system that once was totally segregated, Louisville has come a long way. According to the most recent statistics from the U.S. Department of Health, Education and Welfare on the 100 largest school districts in the country, Louisville is one of 32 large systems in which one-third or more of the students are black. Only seven of the 32 have more of their black students in majority-white schools than Louisville does, and only four cities, all of them in the North, have fewer of their black students in all-black schools. These figures indicate that resegregation and racial isolation are less severe in Louisville than in most cities, and if a Roper survey of attitudes in Louisville last summer is any indication, the schools are not a critical sticking point between blacks and whites in the city.

"But being relatively better off than other cities and having no immediate racial crisis in its schools can hardly give Louisville cause to be complacent. The city and its school system face many critical problems. The white exodus to the suburbs, now complemented by the beginnings of a middle-class black exodus, could make socio-economic segregation equally as serious as racial isolation. The grim realities of ghetto life for the poor—crime, poverty, delinquency, exploitation—spill over into the educational system, and must be reckoned with. And resegregation continues. Unless current trends change,

the school system—and ultimately, the city—will become predominantly black and overwhelmingly poor."

Compounding the plight of the district in implementing desegregation are several bits of demographic data. For example, one-third of all blacks in the state of Kentucky live in Louisville and constitute 23.7 percent of the city population. The 23,379 black pupils in Louisville city schools make up 46.7 percent of the total pupil enrollment of the district. Especially important is the fact that the Louisville city school district is surrounded by four public school districts (three in neighboring Indiana, one in suburban Jefferson County, Kentucky) all of which have a white pupil enrollment of at least 95 percent and a Catholic school system that is more than 85 percent white. Altogether, these five school systems enroll more than 155,000 students, of whom about 146,000 are white.

Finally, the urgency of a fresh approach to implementation of desegregation has been highlighted by a complaint registered by the NAACP with the U.S. Department of HEW which, thus far, has indicated three specific areas of concern: the continued existence of Central High School with an all-black student body, the utilization of the open-enrollment policy as a method of student desegregation, and the pattern of staff desegregation. It should be noted here that teacher desegregation was not started until 1959, three years after the heralded desegregation of pupils.

Faced as we are with a firm commitment to enhance the process of desegregation of pupil and staff, our task has been to weigh alternative strategies for coping with the myriad complexities inherent in the situation I have just described.

III

Of course, I shall not insult you by attempting to describe in detail the various methods frequently advocated as means of enhancing desegregation, whether they be busing, pairing, open enrollment, strict geographic zoning, educational parks, magnet schools, or merger of adjacent school systems. May I merely share with you briefly some of our local reactions to some of these strategies.

Some of these reactions are implicit in findings of the Louisville *Courier-Journal*-commissioned Roper Report, as follows (pages 63-65): "It was pointed out earlier that on an objective basis Negroes and whites hold very similar views on the quality of education given in the schools in Louisville, and that while whites more than Negroes tended to upgrade the schools in their neighborhoods in contrast to schools city wide, at least Negroes see the schools in their neighborhoods of equal quality to all Louisville schools. Results of questions asked in the series of questions on improving Negro schools in the context of race relations confirms that schools and education is one of the areas where the gulf between Negroes and whites is not wide.

"Respondents were asked three basic questions—whether black children would do better or worse if they went to a school along with white children, whether they would rather see the School Board spend money on improving Negro schools or on transportation to white schools, and whether they thought each of six suggestions would help or not help improve education in schools in Negro neighborhoods.

"While Negroes and whites differ on their views of whether Negro children would do better or worse if they went to school with white children, they basically agree that they would rather see money spent on improving Negro schools than on transporting Negro children to white schools. A majority of Negroes (65 percent) said they thought Negroes could do better in schools with white children. A majority of whites (54 percent) said it wouldn't make any difference. However, a majority of both whites (80 percent) and Negroes (70 percent) think money would be better spent on improving Negro schools than on transporting Negro children to white schools.

If black children went to school with white children they would:	Percent Negroes	Percent Whites
Do better	65	27
Do worse	1	12
Wouldn't make any difference	31	54
Don't know	4	7

Would rather see money spent:	Percent Negroes	Percent Whites
Improving schools in Negro neighborhoods	70	80
Transporting Negro children to white schools	21	7
Neither	2	4
Don't know	7	9

"Of the six statements on suggestions for improving education in Negro neighborhoods, whites and Negroes agreed equally on three—improving the physical condition of the buildings, cutting down on size of classes and giving each neighborhood more control over its schools. Negroes more than whites endorse teaching more Negro history and culture and hiring more Negro principals and teachers. It is noteworthy that a majority of Negroes and whites thought all the suggestions would help, but that lowest endorsement was for more neighborhood control.

Percent who said suggestions would help:	Percent Negroes	Percent Whites
Teach more about the history and culture of Negroes	91	55
Improve the physical condition of the buildings	88	80
Cut down the size of classes	86	73
Hire more Negro principals, counselors and administrators	85	66
Hire more Negro teachers	79	66
Give each neighborhood more control over its own schools	55	50

"Thus, it appears that education per se is not a major racial problem in Louisville at this time, nor are there any real areas of conflict in finding means of improving education for Negro children."

The foregoing would suggest that busing, though an apparently logical way to deal directly with the implica-

tions of demographic data, is highly unpopular with both black and white elements of our population.

IV

Reactions to three other alternatives (magnet-school concept, street-geographic zoning, pairing) were discussed editorially by the influential Louisville *Courier-Journal* in its edition of Friday, April 10, 1970, entitled "Can New Plan for Central High Become a Model for the Nation?" The editorial read: "Louisville Board of Education appeals for federal guidance in desegregating Central High School are a reflection of the enormous uncertainty posed by President Nixon's March 24 statement of policy. This uncertainty is not dispelled by the sweeping and questionable assertion of Health, Education and Welfare Secretary Finch that the President's statement didn't change things very much.

"The 1,800-student Central High is a typical case of *de facto*, or residential, segregation—the last all-Negro school in Louisville. It has been ordered by HEW to desegregate by September, but the school board's dilemma has not been when or why, but how. The HEW's deadline for a city decision on how to desegregate Central is only two weeks away, and school officials are still waiting word on what would be acceptable.

"Against that kind of pressure, school authorities have to do something, and now have chosen to seek approval of an idea advanced by the National Association for the Advancement of Colored People (NAACP), whose complaint to HEW started the whole thing. Under this plan Central would become a model or 'magnet' school, with programs so attractive that whites would want to attend. But even if they didn't, as NAACP chapter president Kenneth R. Phillips put it, 'We will have a better school. And this is what we want . . . quality schools.'

"That's what all of us want. As President Nixon observed in his statement of policy, most Negro schools—but not all—are inferior not because they serve black children, 'but rather because they serve poor children who often lack the home environments that encourage learning.' It could very well be that with an infusion of money, and in the hands of a school administration that

has proven imaginative enough to conceive such other programs as the Project Impact reorganization of nine inner-city schools this fall, Central High could become a showcase for the nation.

"Are there better ways to desegregate Central High, to conform to national goals while not simply accelerating the racial isolation of downtown Louisville?

"The school board rejected busing as a solution, and would seem to have strong support (despite HEW denial that anything has changed) in the President's rejection of busing 'beyond normal geographic zones.' Another alternative, the imposition of strict residential zoning so as to place perhaps 200 white students at Central, is the kind of short-sighted program that has sped a white exodus to the suburbs and contributed to the racial isolation of America's downtowns.

"More workable than busing or zoning, and probably more acceptable to the community than either, is the idea of 'pairing' Central with another school, such as Ahrens Trade High, with the mixed student body attending classes half a day at each facility. The NAACP says this alternative would lower Central's academic level, and probably it would at the outset. But federal money and local flexibility, again, surely could do as much in this instance as in development of Central as a 'magnet' school.

"In any event, it's unfortunate that Louisville's deadline coincides with a period of such great uncertainty in Washington, especially in view of this community's past good faith in desegregating its classrooms. The absence of clear-cut HEW guidelines has forced local officials to push ahead in the dark with what they sincerely believe to be best for the community and its schools—although this may not be as risky as it sounds. The President, after all, has strongly endorsed the philosophy of local responsibility. In his words: 'In devising local compliance plans, primary weight should be given to the considered judgment of local school boards—provided they act in good faith, and within constitutional limits . . . Federal officials should not go beyond the requirements of law in attempting to impose their own judgment on the local school district.'

"That would seem to be a clear enough signal that

Louisville school officials are right in not waiting for Washington to tell them what they can do. And it's just possible that with wise and imaginative guidance, and lots of money and time, a model Central High could show the rest of the nation a constructive way—through better education of children—to reverse the steady erosion of its troubled cities."

V

After six major studies in the past 20 years and a series of proposals for implementation, merger of the Louisville and Jefferson County school systems appears to lack adequate support from patrons of either district, whether from whites, who fear the specter of busing, or from blacks, who fear erosion of political power.

All of which brings us to the main thrust of our present major program for dealing with the very real desegregation problems of our inner-city school district. We call this program in human relations Project IV because of its funding under the provisions of Title IV, Section 405, of Public Law 88-352, The Civil Rights Act of 1964. The rationale for Project IV is as follows: The American public schools today are charged with an unprecedented task; not to perpetuate a culture but to reform it. Some are not aware of the fact that every school district in this country has the obligation of helping every child to learn to live in mutual respect and understanding with people unlike himself. Many students will grow up into a world where they must relate to individuals of a different color of skin or who do not share common languages or religions. Tomorrow's world is a world of a pluralistic society for which the educational community, as we know it, can hardly prepare today's student; for it is a world which we cannot predict or comprehend. Consequently, educational programs must focus on the process of change itself with the objective of producing a sensitive, problem-solving, and open-minded adult who can function effectively in a changing environment.

The Louisville Independent School District recognizes that integration of our educational system is a vital and critical cornerstone in the effort to prepare today's student for tomorrow's world. The District also recognizes

that honest and lasting integration of the community is not the function of the educational system alone; it is essentially a process of mass attitude and behavioral change for a population of almost one-half million people. Such a process must be a thoughtfully structured total-systems approach. It cannot be implemented in any reasonable or meaningful way without the development of a cadre of internal change agents. (These agents can be defined as individuals within any given establishment, who are accepted by the establishment, and have the mobility to move with a fully accepted status; when trained, have the potential to act as powerful catalysts for any desired and/or required change.)

The very young child learns at an early age the prejudices which today create the need for attitudinal change. He watches, he hears, and he grows and develops into a sensitive, or insensitive, human being. Then he, too, goes on to raise his sons all too often by standards of the society which reflect prejudices in which he lives. This pattern of socially accepted behavior and attitude can remain unchallenged or unbroken for generations until external pressures or internal eruptions force a re-evaluation of the pattern. Even then, national acceptance of critical revisions may take many years.

There is, however, hope in structuring a process which brings about mass behavioral change. This hope lies in altering our "communication system"; in the case of the small child, his parents and teachers, which transmit to the next generation the revisions in the established behavior and attitude patterns on which the very survival of that generation may depend. Information input into this communication system by change agents (teachers and parents), therefore, must be accurate, must be extremely well programmed, must be structured with systematic attempts to develop improved human relations. The "communication system" is only as effective as the quality of information it contains, internalization of the information received, and the concurrent quality of transmittal of which it becomes capable. For this reason, the Louisville School District has designated an approach to bring about additional desegregation (mixing of the races) and true integration (improved inter-personal relationships) through new structures and innovative

training programs; thus producing a parrallel thrust leading toward a positive racial climate which will produce lasting desegregation and true integration.

This proposal defines the structural changes and processes of a comprehensive effort to develop a cadre of internal change agents employed by the district whose activities will reach throughout the metropolitan area of Louisville, Kentucky, where they will be an integral part of community life. These change agents will be specially trained to use their internal position to work positively with and motivate all segments of their school by involving students and community in a school-centered human relations program. The training effort will be based upon behavioral science research which focuses through process on improved inter-personal relationships.

VI

The long range goals of the Louisville School District effected by the Title IV Program are: (1) Development of human relations models within the District that actively encourage and support improved inter-personal relations between students, teachers, administrators and community personnel. (2) Establishment of a community social-climate that promotes blacks and whites working effectively together on common problems. (3) Creation of an educational program that is flexible enough to meet individual needs of students who have many different educational problems.

The specific objectives for the school organization are as follows: Within the project year, the school system will alter staff assignments in at least one-fourth (18) of the district's shools in order to initiate a racial balance plan (no less than 35 percent black or white); within the project year, significant progress will be made toward black representation at all administrative levels of the district, as evidenced by black representation at the central office on at least one-third of the total (13) administrative levels (both regular and special programs); to increase black representation in leadership positions in future years, efforts to recruit outstanding black professional staff members will be evidenced by at least five recruiting visits to different institutions which normally

produce large numbers of black graduates during the project year.

The specific objective for school administrators, teachers, interns, and para-professionals involved in the Title IV Project is as follows: Fifty percent of personnel in the racially adjusted staffs of the project schools and central office, who participate in the Title IV inservice programs, will have by the end of the project year improved racial attitudes as measured by pre/post gain scores.

The specific objectives for the instructional program and the students of the Title IV target schools are: Within the project year, at least six schools will achieve a major restructuring of personnel and will operate featuring a bi-racial team teaching differentiated staffing pattern; within the project year, at least 50 percent of the students in these six project schools will gain at least one year in achievement (normal growth) as measured by standard achievement tests; within the project year, in the same six project schools absenteeism will decrease in at least 75 percent of the students relative to their attendance during the previous school year, absenteeism in these schools will be less overall than in comparable non-project schools; within the project year, vandalism at the six schools will decrease as measured by such things as glass breakage, etc.; within the project year, at least 50 percent of the students in all the project schools (18) where staff has received Title IV training will have improved racial attitudes as measured by pre/post gain scores.

VII

Our procedures for reaching these specific objectives will be in terms of the following timetable:

In February, 1970, the school district began to implement an Organizational Development Program, with cost shared by the District and Project IV, which will affect all administrators including the superintendent and school board, focusing on improved inter-personal relationships. The Title IV supported portion of the program will include one four-day biracial laboratory experience for approximately 24 groups (275 administra-

tors and selected personnel). The program will be operated so as to establish a work-climate which will better promote improved race relationships accompanying additional desegregation of schools. Organizational development, which features biracial group processes, will provide greater insight into district personnel and will aid the Division of Employee Personnel in identifying and selecting able administrators and teachers who can administer and facilitate racially balanced staffs. The program will also focus on developing an awareness and receptivity to the needs of black students and the need for new curriculum content and process. It is believed that this type of program will help in establishing a flexible organization that can institutionalize change.

The Division of Employee Personnel began in February, 1970, to identify and recruit blacks who have leadership qualities to promote black career mobility. Then the district will offer the Title IV leadership training program to selected participants to better prepare these individuals for future leadership positions and administrative openings. The district commits itself to placing selected blacks in administrative openings and leadership positions as soon as openings occur. A minimum of four potential leaders will be identified during the project year and offered special training. The University of Louisville will play an important part in this facet of the project in providing course offerings (Title IV supported) both for credit and non-credit which will help these selected individuals to qualify for leadership positions throughout the district and to facilitate a desegregated staff.

By April 1, 1970, the District had a functioning Human Relations Advisory Committee composed of black and white representatives of the community, District, Kentucky State Department of Education (Title IV Advisory Specialist), and University of Louisville personnel. The Louisville Title IV Project officer, U. S. Office of Education, was invited to serve as an unofficial member of this Committee and to participate in recommending policy effecting desegregation plans for the Louisville Public Schools. This Committee will meet periodically with the Local Project Director and the Superin-

tendent to appraise existing programs and recommend new ones.

By September, 1970, six low-income schools will be identified, and staffs will be employed around a biracial team teaching differentiated staffing pattern. The team concept at the six target schools will include the following: one coordinating teacher (team leader), one staff teacher (experienced), four interns (teacher corps), two students teachers, two para-professionals. Blacks and whites will be given equal opportunity to fill all of the above positions. Each of these schools will have increased desegregated staffs (no less than 35 percent black or white). Local school-community advisory groups will be organized for each of the six schools, who will work with the faculties in providing affective and cognitive learning direction. In staffing these six schools, it will be necessary that some of the present principals and staff members be displaced. This will provide the district with the opportunity to implement greater racial balance in other schools within the district through the reassignment of displaced personnel. It is envisioned that 600 teaching positions will be affected by September, 1970; this includes displaced personnel and teachers new to the system.

Evidence indicates that the desegregation of faculty for the sake of desegregation has produced a negative attitude. However, there is other evidence indicating that faculty desegregation accompanying new innovative educational programs has been received with greater community and staff acceptance. In place of the traditional principal at these target schools will be a principal learning facilitator, who will spend at least one-third of his time in direct contact with the instructional process. A school business manager will be employed at each target school to aid the principal learning facilitator in handling administrative details not related to instruction. At least three of the principal facilitators will be black. If this model is successful, there are plans to utilize the model in many other schools of the district.

By September, 1970, Title IV inservice training programs will be implemented at the six target schools plus other schools in the district where major changes in the

racial composition of the faculty have taken place. These programs will feature a biracial communications and team building laboratory experience for groups from each of the project schools to be offered either prior to the opening of school in September, 1970, during the school year 1970-71, or both. The laboratories will average a total of four days (or eight half-days) of training per school and will be scheduled based upon the needs of individual schools. The communications and team building laboratories will offer opportunities for individuals to examine their attitudes toward persons of a different race and will offer opportunities to be confronted about these attitudes. It is envisioned that this process will produce a better understanding and a more positive racial attitude between blacks and whites within the Louisville public schools. Approximately 18 schools (with 450 teachers plus 50 support personnel) will be involved in the labs.

By September, 1970, the district will redirect old and establish new educational programs based upon the social and economic needs of the total community. Additional revenues for increasing vocational education offerings have been made available which will allow a greater thrust in this direction within low-income, predominantly black schools. In addition, a secondary curriculum specialist with expertise in flexible scheduling will be employed at the district's expense to aid the secondary schools in developing an instructional program that offers greater individualization of instruction.

By September, 1971, the district will have 18 additional school faculties that have no less than 35 percent black or white staff. This process will continue in future years until all schools of the district have better racially balanced faculties. Biracial communications and team building laboratories like those proposed for the 1970-71 school year will be necessary to help promote greater racial understanding when the racial compositions of other faculties are severely altered. Successful curriculum models will be transplanted from target schools to other schools in the District in an attempt to develop an improved educational program district-wide. Identification and placement of blacks in key leadership positions will

also continue in the school year 1971-72.

In 1972 the district will complete building an educational park-complex which will encompass grades K-12. This complex will be utilized as an educational model and will have both a racially balanced faculty and student body. Successful instructional models that have been developed from the Title IV Project will be utilized in the educational park. This site is strategically located near the University of Louisville and between black and white housing patterns. The park will provide an excellent opportunity not only to develop a superior educational program, but also to examine the possibility of stabilizing the racial composition of that section of the Louisville community. The University of Louisville and the School District have entered into a working agreement to use this complex as a work-study-training ground for teacher and administrator education which will enable the district and the university to work cooperatively on long range problems of the City.

As individual schools of the District achieve greater staff desegregation evidenced by having no less than 35 percent black or white staff, the district will then systematically move into phase two of faculty desegregation. Phase two calls for establishing faculties in all schools that represent the racial composition of the community as a whole (approximately 65 percent white and 35 percent black). This will be done on an individual school basis and could be operational simultaneously to phase out with different schools at different levels of progress.

In summary, we of the Louisville Board of Education see an emphasis on interpersonal skill development and a humanistic approach to education as the key toward maximum implementation of desegregation.

Implementing Desegregation: Atlanta, Georgia

John W. Letson

I shall not speak from a prepared text because, with the changing situation in Atlanta, anything prepared last week would not likely be sufficiently current for presentation today. I plan to talk off the cuff and informally about Atlanta — about some of the city's accomplishments and problems.

I join Mr. Hines in assuming that all the members of this panel are speaking from a background of good-faith efforts to achieve a high-quality educational program in a desegregated society.

I, too, can talk about "two" Atlantas and two parts of the city. During the short time at my disposal, I wish to report on a few things related to desegregation efforts in Atlanta which I think have been real accomplishments. I should also say, however, that my full time allotment could be utilized in presenting the reasons why desegregation has not succeeded and is not succeeding in Atlanta. The situations in Atlanta and Louisville reflect many common elements. I shall pass over without comment the early history of the desegregation effort in Atlanta. It is a matter of record and familiar I am sure to the members of this audience. Atlanta has experienced and is experiencing the flight to the suburbs that was mentioned as a problem in Louisville.

During the past eight years, twenty-six schools in Atlanta have changed from all-white to all-black or predominantly so. We have the prospect of this number being increased by at least five when school opens in

September. In 1940 approximately 40 percent of Atlanta's total enrollment was Negro. This percentage has increased until it is now approximately 65 percent and moving toward 70 percent. White residents have been moving to the suburbs at an accelerating rate, and the smaller the percentage of white pupils becomes, the faster the rate of change.

I wish that I could be around when the history of this period is written from the perspective of time. I would like very much to see the historical evaluation of recent events, including the recent past and the immediate future. I think the overall evaluation will be on the plus side — that it will reflect the forward strides taken by the nation as commitment and performance come closer together. I am also convinced that the perspective of time will highlight with vividness some of the grievous mistakes that have been made in our efforts to accomplish racial goals.

I

Atlanta will not be able to report the successful accomplishment of earlier goals if the result in a few years is an almost totally black city. This was certainly not the original purpose, and I am also certain that it does not reflect the best interest for either the white or Negro population of Atlanta and the surrounding area.

Responsibility for some of the mistakes will, in my judgment, be assigned to the courts. Mistakes have been made by the courts in assuming that sweeping decisions could be automatically applied without adaptations for conditions which vary from school to school. A Fifth Circuit Court decision ordered district courts to require that the faculty of each school reflect substantially the same racial composition as the overall employment ratio in a system. Atlanta employs approximately 5,000 teachers. Approximately 20 percent of this number were already teaching across racial lines — i.e., teaching in schools of predominantly the opposite race.

Atlanta's school employment ratio last February was approximately 57 percent Negro and 43 percent white. The employment ratio in elementary schools was ap-

proximately 60 percent Negro. The order of the court required Atlanta immediately to achieve a ratio in all schools of approximately 60 percent black teachers and 40 percent white teachers. The Fifth Circuit decision was handed down in February, 1970, but the district court set the date of the required transfer in March, at the end of the second quarter. The order of the district court required the development of a plan for the transfer of 1,600 teachers — 800 of each race.

I know of no greater tragedy that can befall any child than to be taught by a teacher who doesn't want to teach him. The assumption that the sensitive relationships between pupil and teacher that are so essential for effective learning can survive the kind of transfer required by the court is a mistake. Effective education was obviously not the major consideration.

In my opinion the perspective of time will also indicate that it was a mistake to popularize the idea (regardless of the evidence that may support it) that it is impossible to have a high-quality educational program in an all-black school. I am familiar with some of the research which supports this point of view. The fact remains, however, that for the years immediately ahead, a considerable number of black students will be attending all-black schools. The trends do not indicate to me any possible, or practical, way that this can be avoided.

Yet, at the very time that we are putting forth a maximum effort to raise the level of aspirations of all students we are saying to many, "You can't possibly get a good education because you are attending an all-black school." In the first place, I don't believe it. I do not believe that history will prove the contention to be correct. Let me make sure, however, that I am not misunderstood on this point. I do not question the desirability of eliminating all-black schools where that can be accomplished, but we do not achieve anything worthwhile in eliminating the chance to develop self confidence and pride on the part of those Negro pupils who are now and will be in the foreseeable future attending all-black schools. It is a serious disservice and actually insulting to say to black pupils that it is impossible to

get a good education in an all-black school.

Atlanta, in common with most cities, has been confronted with a continuing flight to the suburbs, possibly to a larger degree than was reported for Louisville. This trend has been stimulated by the factors which prevail in Atlanta. The economy has made it possible for a person to sell his house without difficulty — and usually with a profit. School systems in five surrounding counties are predominantly white. Atlanta has a few all-white schools as well as a large number of all-black schools. The court decision which required the transfer of teachers established a standard of 60 percent black teachers in an all-white school in north Atlanta as compared with 5 percent black teachers in an all-white school in another system approximately three miles away. I have been asked, "How can an equal interpretation of the Constitution require an all-white school in Atlanta to have 60 percent black teachers and require an all-white school in another system only three miles away to have 5 percent black teachers?" I am not suggesting that black teachers or white teachers are necessarily good or bad. Atlanta's excellent teachers are of both races, as are those at the opposite end of the scale. To the extent, however, that the flight to the suburbs is an emotional issue related to race (and, of course, this is only part of the explanation), to that extent the court decision related to teacher transfers has accelerated the process. If continued at the present rate, the result will be the ultimate defeat of what we set out to accomplish.

Many of the things that the schools have been required to do are self-defeating. They accomplish the exact opposite of what they are designed to accomplish. It would seem that as a nation we should have been able to move in ways which would achieve desired results rather than to set in motion those things which defeat what we originally set out to accomplish.

II

It would be a serious mistake to leave the impression that all efforts have had negative results. I could spend the rest of the day giving accounts of how teachers and pupils of opposite races have developed with sensitivity

relationships which have contributed to the accomplishment of educational goals. I could give many excellent illustrations of schools which accomplished required desegregation in ways which demonstrated the highest ideals of good citizenship. I could give detailed reports of how student bodies, communities, PTA's and other groups of both races went to great lengths to extend a cordial welcome to teachers and pupils who were transferred. Some of these illustrations would be outstanding examples of the kind of relationships which must exist if good education for all is to be achieved. To be truthful, however, the report would also include some illustrations of teachers of both races who were unable to adapt to the new situation.

A report of Atlanta's efforts to develop a better educational program for all pupils would include accounts of several innovations. I wish time permitted a full report of our efforts to utilize para-professionals, our use of team-teaching as a means of improving instruction, and our four-quarter plan and its implications for improving the educational opportunities available to pupils. It would be appropriate also to include a report of the building program which during the past ten years has spent more than one hundred million dollars for new and improved plant facilities. This investment has gone a long way toward eliminating the serious overcrowding problems Atlanta faced for a number of years. However, we are still using over 400 supplementary classrooms, which indicates the size of the backlog of building needs which we have thus far been unable to meet. It is interesting to note that we were in federal court during the past week attempting to answer a question about whether we are building schools to further segregation in the Atlanta school system. It was pointed out to the judge that at one location, because of the construction of a low-rent housing project, 1,000 additional pupils will soon be reporting to school. Almost without exception, these additional pupils will be black. While we are trying desperately to construct a new school to take care of pupils who will live in the federally financed housing project, another part of the federal government is raising questions about why a new school that is likely to be attended by all-black pupils is being constructed. The

answer, of course, will be determined by the racial composition of the housing project tenants — something over which the school system has no control.

In summary, let me say that, like most other cities, Atlanta is experiencing certain trends which, if continued, will defeat efforts to accomplish a truly desegregated system. These trends are not likely to be changed by attempting to make people do what they do not wish to do. We will make progress educationally by getting about the business of getting people to do willingly and on their own what should be done for the best interests of all.

The chance that Atlanta could, by a vote of the people, be consolidated with any other school system is a very remote possibility. It is not likely to happen any time in the foreseeable future. If it ever happens, it will be by legislative action achieved because a small number of people had the courage to do what needs to be done.

Atlanta, traditionally, has foreseen its problems and has been able to act before a crisis developed. The crisis nature of this particular issue has been avoided for the most part, but the record reflects both successes and failures. In spite of dedicated efforts to achieve a desegregated community and school system it appears that within the not-too-distant future we will end up with a city with too few white pupils to make possible the achievement of these goals.

Implementing Desegregation: McComb, Mississippi

J. D. Prince

I am an educator. My title is superintendent of schools. My place of residence, physically and emotionally, is a small town of 12,000 population in southwestern Mississippi. This is the place I have chosen to perform my professional chores.

The current situation in my school district can best be described by quoting from testimony recently made to the United States House of Representatives General Subcommittee on Education.

The McComb Municipal Separate School District is located in the southwestern area of Mississippi, and encompasses the municipalities of McComb and Summit in Pike County. Student enrollment is approximately 4,200 equally divided by race.

I

Our district is presently involved in the process of implementing a voluntary school desegregation plan. The latest phase of our local plan was approved on May 18, 1970, by the Title VI Civil Rights Staff of the Department of Health, Education, and Welfare. We are in compliance.

The plan of desegregation agreed upon by the school district and HEW can best be described by an article appearing on the front page of the May 27, 1970, issue of the McComb *Enterprise-Journal*:

"The desegregation plan for a unitary school system

submitted by the McComb School District to the U.S. Department of HEW has been approved. . . .

"The plan is essentially as follows:

"1. High school: Gibson, Higgins and the new vocational high school buildings at which their courses of study are being taught. Certain courses of study will be offered in only one building.

2. Junior high school: All seventh and eighth grade students will attend Denman Junior High School.

"3. Elementary schools: Neighborhood schools with grouping of students from different schools for instruction to meet individual needs of students will result in a student exchange between school buildings during the day for grades two through six. There will be no grouping or student exchange between school buildings by first grade students.

"Faculty and staff: Assignments will be based on professional ability of the staff and needs of the school. Each member of the staff will be hired, assigned, promoted, paid or otherwise treated without regard to race, color, or national origin.

"Activities: All activities and extra-curricular activities will be conducted on a unitary basis. . . .

"The plan is unique in Mississippi desegregation plans in that we have been allowed to retain the home schools concept. Elementary students will be assigned to neighborhood schools in essentially the same areas they are now assigned.

"*Elementary students will be assigned on the basis of educational need during part of the day*, and because children, regardless of race, have similar needs, these assignments for special educational opportunities will result in desegregated situations.

"Each elementary school pupil will have an individually designed educational program and these programs will be worked out by the administrative staff during the summer."

The process of desegregating schools is not new to our school district. Since 1965, we have been in voluntary compliance with the various Title VI regulations of the Civil Rights Act of 1964. Only recently have regulations required sufficiently massive relocation of pupil population to cause some major problems in our school district.

I should point out that both the professional leadership of our school district and the civic leaders of our community feel that we have a better than average chance of maintaining quality public school education in our district despite the requirement to quickly complete total desegregation.

I must say in all candor that desegregation is not a goal with us. Maintaining good schools—developing better schools—is our goal. That these schools will be desegregated is an accepted fact.

Events of this past year have caused us concern because we have become aware that good schools are a product of public support. This is not a trite statement. People pay taxes (or raise taxes) to support only those things in which they have confidence. In our community our major tax payers are white. They will support public schools if they believe these schools are good for children in the community. Making these schools good—and proving them good—is our task.

We find it a given fact in Mississippi today that under any requirement to establish a totally unitary school system, public schools with a heavy proportion of black students will lose a certain percentage of the white students—regardless of the type or quality of educational program operated. Given the certainty of this loss, recent events have shown that *if* we can develop a sufficiently good quality education program, we will maintain the greatest preponderance of our enrollment. And if we maintain this enrollment, we can maintain quality public schools—because we can keep the support of our tax levy voting public.

These are the bare facts. We are desegregating, and we think the task can be done—which calls to mind a pertinent comment from Shakespeare: "What fools these mortals be."

II

My effort here is to aid you better to understand the whys and wherefores of the pragmatic aspects of the desegregation of Southern public schools.

To properly accomplish my task may require a non-practical approach on my part. The most difficult part of

this task is to translate to you my personal understanding of the problem and, truthfully, this is extremely difficult to accomplish, because of much of the understanding that I have of this area is more nearly a "gut level" part of my psyche rather than being a well documented part of my consciously intelligent self.

I'm not altogether sure that the problem of school desegregation is an educational one—or one that can be handled by the education process. I have that feeling because I'm not so sure that the process of education, as we have known it in the past, has sufficient depth to handle a problem which has the many unknowns that the one under discussion has.

First, education is a science which is in its early infancy. Not a profession in its infancy, mind you, but a science in its infancy. By analogy, medicine in the 1960s was a science in its early infancy. There had long been physicians, but these physicians practiced their art primarily by allowing nature to take its course. The Crimean War, the Civil War, the Franco-Russian War showed to what a small extent medicine could change the course of events of infection in a wound which of itself was non-fatal.

Education today is in this same traumatic era. There are serious ills in our society associated with the poor, which education should be able to modify. But for some reason the application of our best professional techniques does not solve these problems we can identify which need to be handled. In education, we have many excellent generalities, but, unfortunately, these generalities do not solve our specific needs.

What, then, is a school, as an educational institution? Answer: The school as an institution in our society today, the community school, is a reflection of the community's existing social order. The school has as its purpose the exposure of the young to the society that the adults desire. The school equips the young to use the trade-tools of the society—language, mores, work habits —in an effective way in order that the society properly continue its existence. Where the desegregation of a society succeeds, it involves the interaction of some of the most complex humans.

For a society to voluntarily desegregate is not a normal human emotion. Societies normally segregate into groups,

which are composed of individuals who associate with each other because of similarity of personal likes and dislikes. Churches, social clubs, American Legion Posts, Civic Clubs, families, or what have you, work together successfully because of similarity rather than difference. The human voluntarily chooses a life style which creates the fewest problems in the operation of the daily life cycle.

So to my original thesis, I feel sure that the place to start an integrated society is not in an institution devoted to reflecting society as it exists. In fact, to do so is to fly in the face of common sense. Man's institutions reflect man, not the reverse.

As constituted by history and practice, educational institutions, particularly the common public schools, are not the proper institutions through which the desegregated society should be developed.

Reality tells us that this is the course we have chosen. Law, legislative fiat, social pressure and the emotional residue of the civil conflict of a century ago have determined that the public schools of the South are the ground on which the desegregation battles which should have been fought elsewhere are currently taking place.

So what do we do?

Our society is built upon a base of educated citizenry. First, we must preserve the public institution as a viable force in the community.

The law and jurisprudence decree that this education should be "unitary," i.e., non-racial in nature. Second, the schools must be non-racial in nature.

The facts of the social nature of man must be recognized—these schools must be satisfactory to parents.

And finally, all children must be educated by these schools if we believe in a unitary public school system. Therefore, education must eventually be able to take each child, regardless of his problem, and profitably modify this child in such manners that the commonweal of society is served by the product.

The issue which has been joined—desegregation of public schools—is of immediate concern, but it is the improper issue.

The proper issue is this: Public schools must properly educate all children placed in their care, and today, the

public for good cause, does not believe that this can be done.

This lack of faith, not desegregation, may well place education in many Southern communities in a moribund state in the next few years.

In an effort to prove that our public schools are capable of caring for the needs of all children, we may, in this century or the next, place our profession in the same category as medicine is today, that of being able to exert a positive force upon the ills of society.

An Alternative to Segregation: A Proposal for Community School Districts

Victor Solomon

Education in its deepest sense is the improvement of man so that he will be a thinking individual, not afraid of the validity of his conclusions even though they may deviate from what may be acceptable and safe at the moment.
—Heald

This proposal for a pragmatic, achievable alternative to school segregation is motivated by the conclusion that: All pet theories—be they liberal or racist—which have contributed to the present impasse in the public schools must be debunked and scuttled if we are to get on with the important business of educating our children.

And it is informed by the further conclusions that: The attendance of white and black pupils at different schools does not constitute segregation, *ipso facto;* an integrated school system is not a guarantee *ipso facto*, of equal or quality education for all pupils, black and white; segregation, when properly defined, should be equated with *inequality* of education;* desegregation should *not* be equated with integration to the exclusion of other possible ways of organizing a school system, since integration is but one of the forms desegregation can take.

*Because of the social dynamics peculiar to segregation, it should be defined not so much in general terms of spatial relationships, but in more specific terms of the socio-political-economic relationship between the producers and managers of goods and services and those who are the recipients of those goods and services.

I

The history of the black man in America has been marked by a constant struggle for equality. Yet in most areas of American life, the enjoyment of opportunity equal to that of any other American continues to remain outside his grasp. But it is in the crucial area of education that inequality of opportunity has caused the most damage. It has been said that the future of a people rides on the shoulders of its youth, and that if those shoulders rest on a weak foundation, a doomed future for all concerned is the inevitable result.

It is therefore no simple accident that so much of the overall fight for equality has been directed at the schools during the past two decades. Even though blacks cheered that most significant fruit of their effort, the 1954 Supreme Court School Desegregation Decision, they have had ample reason for wondering if that celebration was somewhat premature, for it has taken the courts sixteen years to level the first significant attack on the vicious system of school segregation.

In the period since 1954 when no change seemed imminent, we could afford to make any demand whatever in the hope of inducing even minimal movement away from segregation. However, now that the courts are moving to back up earlier rulings, it is of the highest importance that black people sharpen their perspective and make the clearest possible assessment of their aims. They must chart their own course before they enter any new phase of the struggle, and they must make one final examination of even the most cherished beliefs and assumptions.

Keeping their eyes fixed on the goal of dignity and equality, black people must choose the path which will be in the best possible interest of their children and, ultimately, of the entire race. It is too costly an indulgence to make decisions based on the heat of emotion and hurt generated by the brutal system of segregation. Rather, it should be in the light of cold reason and hard facts that decisions are made.

Today, it is not a matter of why we won't wait; but, in the words of Martin Luther King, why we can't wait. We cannot afford to wait any longer for some long-promised,

but still distant, Utopia. We cannot allow our minds to be imprisoned by old assumptions and pet theories, and we cannot allow those who have become prisoners of their own futile rhetoric to throw stumbleblocks in our path as we attempt to devise and implement dynamically new solutions to the problems of black people.

Historically, man has been motivated more by self-interest and that which is achievable than by what should be. We see this as the crux of the school desegregation struggle.

The ideas presented in this paper grew out of firsthand observation of public school systems in the North and the South. These observations plus discussions with parents, teachers, school administrators, community leaders, etc., substantiate our belief that this proposal for community school districts structured along natural, geographic lines is the best possible way of destroying segregation and insuring equal education for black children.

II

School segregation is a system designed and structured to serve the needs of whites at the expense of black pupils. When normal standards of educational excellence are applied to black pupils under segregation, it becomes clear that they are inferior to white schools. This is a fact with which no one can argue. Unfortunately, it has caused those who did not in the past and do not now understand the true nature of segregation to arrive at the faulty conclusion that all-black schools are inherently inferior under any set of circumstances. A simple extension of logic prompts the following questions:

If racial exclusivity means inferior schools, then why are the schools—white and black—not equally inferior? If the racial composition of a school in and by itself causes that school to be inferior, where then are our inferior all-white schools?

Let us take the "isolation equals inferior schools" theory to its farthest logical extension: President John Kennedy and many of his socio-economic class attended schools that were not just isolated from blacks, but from whites belonging to different socio-economic classes as well. Needless to say, one would not even consider look-

ing for the kind of inferiority in Mr. Kennedy's schools that so often characterizes black schools.

The "inherently inferior" theory is not only spurious on its face but insidiously racist in its implication that black children alone among the different races and groups of the world must mix in order to be equal.

Blacks who subscribe to this theory are suffering from self-hatred, the legacy of generations of brainwashing. They have been told—and they believe—that it is exposure to whites *in and by itself* that makes blacks equal citizens.

Years of heavy propaganda from liberal well-wishers on one side, and ugly declarations from racists on the other have further confused the issue. This confusion must be cleared up now if we are to proceed in an orderly fashion toward the achievement of true equality in education.

Whether or not a given school is inferior or superior has nothing, as such, to do with whether or not it has an admixture of racial and/or ethnic groups, but it has everything to do with who controls that school and in whose best interest it is controlled.

Many social scientists who have issued papers and written books on education have missed this very salient point. They have shown too much concern with spatial relationships, and not enough or none at all with the relationship between those who govern a school and those who are served by that school.

No, the problem is not simply that blacks and whites attend different schools. A look at segregated school systems, whether *de jure* or *de facto*, will show that they generally have, aside from attendance of white and black pupils at different schools, three common characteristics which make segregation the obnoxious system that it is.

The first of these is that whites set blacks apart, by law or in fact, without their choice or consent. This constitutes the arbitrary imposition of authority from without. The act of whites telling blacks what schools they can or cannot attend stigmatizes blacks and is a slap at their dignity.

The second characteristic of a segregated system is that the local school board, usually all white or predomi-

nantly white, exercises control over both white and black schools and favors the white schools. The school board enjoys a more intimate relationship with the white community and white parents than it does with the black community and black parents. It is more sensitive to their problems, their needs and aspirations than it is to those of blacks. This deprives black educators and pupils of much-needed support from the policy-makers and managers of the schools and literally guarantees the failure of the black school to achieve excellence in education. A positive relationship between parents and those who govern the school is one of the most important factors affecting the quality of schools. Under segregation, black parents have not enjoyed that kind of relationship.

Finally, the local school board systematically deprives black schools of resources. The money allotted by law to each and every school district when received by the local board is directed as the local board sees fit. Traditionally, part of the money intended for black schools has been directed by the local board to white schools. This is true of Southern schools as well as Northern schools.

In short, it is the local school board, the dispenser and regulator of money, rewards, good will, and other benefits, which makes black schools inferior. Under segregation, blacks have been locked into a system over which they exercise no control, for which they have no responsibility and for which they are powerless to effect meaningful change.

When segregation is placed in its proper context and defined in terms of who manages and controls the schools, it becomes apparent that the chief characteristic of a segregated school system—the imposition of oppressive outside authority—makes school systems in the North no different from those in the South.

The surest measure of how much blacks can trust any school system to educate their children is how much actual—not illusionary—control they have over that system. Therefore, whatever is proposed to replace segregation must be measured strictly in terms of how much control is held by the black community itself. This is the surest possible guide to determining the potential success of any proposed new system.

III

Having learned from bitter experience that white schools are favored by white school boards and having become tired of the stigma attached to being told where their children could go to school, it was natural that black people considered sending their children to white schools. Since 1954, at least, the assumption has been that the segregated and unequal treatment of black children could be rectified by integrating them into white schools. What is basically wrong with this assumption?

1. There is a failure to recognize black people as a valid special interest group with needs that are unique to black people.
2. There are a number of agreed upon components of a good education. It has not been established that integration guarantees these components.
3. Equal education implies more than just equal physical space in the same classroom, the same teacher, or the same principal. It implies equal right in the curriculum; equal access to all available resources; and equal access to school policy-makers and managers. The question is: Does integration guarantee black parents these additional rights?
4. An integrated setting is as potentially damaging psychologically as a segregated setting. The assumption that integration cures all the evils of segregation does not take into consideration what the National Advisory Commission on Civil Disorders affirmed—that is, the essentially racist character of American society. Since there is no indication that racism will disappear overnight, blacks must approach all institutional settings with extreme caution.

Where integration is mandated and there is unwillingness on the part of whites to integrate schools, black people lose much more than they gain in such a merger. One such community was studied by the National Education Association. The following is an excerpt from their report:

"The desegregation of East Texas schools is proceeding at a faster pace than in most Southern states. School offi-

cials of most districts studied can report that they are in compliance either with federal desegregation guidelines or with court orders. But, as the study made abundantly clear, it is only a paper compliance. As desegregation continues, the grievances of the black community become more wide-spread and more severe. There is every evidence of racial discrimination in the continuing displacement and demotion of black educators; there is every evidence of racial discrimination in the increasing employment of white teachers in preference to blacks; there is every evidence of racial discrimination in the frequent exclusion of black students from participation and leadership positions in the student organizations of desegregated schools; and there is every evidence of racial discrimination in the treatment that black students commonly receive from white classmates and, in some instances, from their white teachers and principals as well.

"These grievances have long remained unresolved; they continue to be unrecognized by school officials. And finally, now that the Supreme Court has ordered the immediate elimination of dualism in all Southern districts the prospect is that the situation will become worse—in East Texas and throughout the South. The frequency of teacher displacement and student mistreatment that accompanied desegregation "with all deliberate speed" is likely to accelerate as the rate of desegregation accelerates. The laws, including desegregation laws, have never worked well for black people. Unless present trends are halted, the new Supreme Court ruling will serve them no better than did the *Brown* decisions of 1954-55."

The fact is that the court can offer black children, teachers and administrators very little protection from the crippling abuses which arise daily in an *integrated* setting where whites don't favor the union. Some of the stories of injustices and psychological abuse emerging from integrated settings in the South are difficult to fight with litigation, but that does not make them any less damaging to the psyches of black children, parents, teachers, and administrators:

Item: white teachers have been known to absolutely refuse to look at black children when addressing them in the classroom.

Item: The principal of an all-black school became the assistant principal of an elementary school under integration in one Southern town.

Item: The principal of a black high school was replaced by a younger white man with less experience and fewer formal credentials. The principal became an assistant principal under the new white principal.

Item: Examinations are geared to favor the white child. In fights, black children are always assumed to be in the wrong.

The sad fact of the matter is that in most cases where integration has been tried, the same white board of education that once ran the dual school system—one white, one black—is the same board that runs the integrated system. The superintendent of education under the old system becomes the superintendent of education in the new system. The policy-makers and managers are therefore the same. Since their negative attitudes towards blacks and favoritism towards whites remain the same, black parents can hardly expect that any attempt will be made to change the curriculum to reflect the needs of black pupils, or that they will have any say in the running of the school. In other words, even where integration has come about, the schools remain white-controlled.

It must not be assumed that things will get better with time. The dynamics of forced school integration are very different from those of forced desegregation of hotels, restaurants, buses, and other public facilities and services. These are what might be called transient settings of blacks and whites sharing or functioning in the same approximate space. Integrated schools, on the other hand, constitute an ongoing situation that is seen as far more threatening. This is underscored by the fact that the relatively mild and short-lived resistance to the desegregation of public facilities and services was nothing compared to the massive resistance that has been mounted and that will be continually mounted against integration of the schools. Morever, when integration does occur in the schools, the few strengths blacks did have are rapidly eroded so that with time they operate less and less from a position of strength.

Blacks who have gone along with integration have

done so in search of dignity, but have found humiliation at the end of the rainbow. They integrate for equality but find they are *together but still unequal.* They have less control and less influence, if that is possible, than ever before. In short, the integration that blacks are likely to get in most instances, North or South, has proven to be token equality, mere show and pure sham.

What about those areas where white resistance is not so high as to frustrate the integration effort? Even then we should keep in mind that effective integration is more than mere physical proximity of white and black students. We should seriously consider whether the dispersal of black pupils would help or hinder the chances of meeting their unique needs.

Integration, as it is designed, placed the black child in the position of implied inferiority. Not only is he asked to give up much of his culture and identity, but with the dispersal of blacks he loses many of the communal ties which have traditionally been the cornerstone of the black community. Moreover, there can never be true integration between groups until there is a real parity relationship existing between them.

It is an established fact that children learn best in a supportive environment—one in which they can develop an appreciation and acceptance of self. Self-appreciation must come before one can truly appreciate others.

White schools at this time do not constitute the kind of environment which can foster the healthy development of black children. White school boards make it difficult for even black schools to respond to the special needs of black children. In this respect, however, many black teachers and administrators have tried, within the narrow limits allowed them, to satisfy these needs.

With the guarantee of equal resources and with the freedom to proceed as is expedient, black schools would be a superior learning environment and could graduate students who can succeed in an interracial world.

What about the stigma attached to going to an all-black school? That stigma was half destroyed when blacks succeeded in smashing the laws which restricted their freedom to choose. Inasmuch as the stigma arises in part from the established inferiority of black schools, the re-

maining stigma would be destroyed completely once the black community has a board of education which could be called theirs and which would guarantee a truly equal, truly democratic education for its children.

Furthermore, black people today have a very healthy attitude towards themselves as a people. They are not ashamed of being black and see nothing wrong in being together and doing things together. They see strength in unity, not guaranteed failure. More than ever, blacks place a premium on working together for progress. They are beginning to feel that it is through their strength as a group that they will win human dignity and power. If reality is taken into account when blacks chart their course, it will become abundantly clear that in some situations school integration may not be the most effective means to equality.

From a financial, legal, economic, political, social, psychological, and most important, educational standpoint, the integrated school emerges wanting. This set of parameters must be consistently used when examining integration, segregation, and any proposed alternative to the two.

IV

Desegregation is now the law of the land. Because the road is rocky and treacherous, blacks need to chart a careful course if they are to land on their feet. The next section will offer a desegregation approach applicable primarily to urban areas, North and South. In these areas we generally find natural definable communities made up of persons with common interests and special problems.

Within Mobile County, Alabama, for example, there is a natural community comprising the Davis Avenue, Toulminville, Bullshead area. This community alone has more students than do many existing school districts throughout the state. The citizens and students in this community happen to be black Americans. The schools attended by the youth from this community have been badly run by the Mobile County School Board. For years, the talent and energies of the best citizens of the community have been expended in fighting the school board—but without significant results. This community has many

special needs different from those of the general population of Mobile County. A healthy pride and sense of purpose is evident and growing in this community. The educational hopes of the residents, however, are continually frustrated by a school board which has shown no sensitivity to their problems. The residents of this community have lost irretrievably all faith in the school board's capability of being responsive to their needs.

The tragedy is that the human input needed to solve the major educational problems which have plagued this community are within the reach of this community. The talent and energy displayed over the years of struggle for relief prove that. The material input needed to solve this area's school problems lies in the public money the law presently allows if the money were to arrive directly from the source to a truly local school board. The rising aspirations, the dashed hopes, and the displaced energy will result in a steadily rising level of hostilities which will inevitably spill over into the surrounding communities.

We contend that it is possible to bring dignity and true equality of opportunity to this community without denying the human and constitutional rights of any other community. Only good sense and meaningful alteration of a faulty structure can avert this. It is in the spirit of attempting to avert chaos and establishing harmony that this proposal is presented.

The people of the above-mentioned community are seeking to exercise their basic human and constitutional right to form an institution that is accountable to them. They are seeking to be delegated by the State of Alabama to exercise its exclusive competence to determine its own educational needs and set its own educational policy, as do other peoples in America, by becoming a duly constituted state school district under the state law.

This move is not without considerable precedent in American history. One such precedent occurred early in the history of this country and culminated in a document which begins with the words, "We hold these truths to be self-evident," and includes the statement, "that whenever any form of government becomes destructive of these ends"—these ends being the securing

of certain unalienable rights and "governments being instituted deriving their just powers from the consent of the governed. . . . It is the Right of the People to alter or abolish it, and to institute new government, laying its foundations on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

V

The Plan: To desegregate public schools by creating state school districts which correspond to natural community lines, where the parties affected are in agreement.

The School Board: Within each school district so formed the residents would elect a school board. Each school board would be a legal entity enjoying all the rights, privileges, and obligations as provided for by the State Education Law. Each school board would run a unitary school system within its district.

The community school board would, pursuant to state law and as every other school district in the United States does, seek out persons with educational expertise —a superintendent who meets state qualifications as chief executive officer of the board of education, and a staff of professionals to administer and execute the policy established by the board. The board would seek the best man possible to fill the position of superintendent by selecting from a special screening committee and would solicit advice on candidates from the leading universities and professional associations as well as other organizations and individuals. Once employed, the superintendent would submit names to fill the other top-level administrative positions to the screening committee of the board and the board would choose from among the resultant list of candidates.

For the position of superintendent, the board would seek a man of unquestioned executive ability who indicates an openness to new solutions to the desperate educational problems of the community's children, and a willingness to try newly available educational innovations such as the reading program developed by the Institute for Behavioral Science for the Washington, D.C., public

schools, programmed instruction with audio-visual teaching machines, and use of media techniques. Most important of all, the board would seek a superintendent who is community oriented.

The community school district would hope to attract the best minds as consultants to the staff to help design the program. This would be a truly pioneering effort in the field of education.

The Teaching Staff: The community school district would welcome all teachers presently in their schools, who are excited by the prospect of being a part of this pioneering effort. Every attempt will be made to recruit to the teaching staff the best teachers regardless of race, creed or national origin. The community school district will offer in-service training programs, for up-grading, if necessary, so that all the teachers in the district will have the security of having skills and training that are relevant to the unique needs of the children of the community.

The community school board would adopt fair practices with respect to teachers employed in that it is in the interest of the district to satisfy the most essential ingredient of a school system—the classroom teacher.

The community school board would seek to allow for maximum participation in the school program by encouraging strong parent associations and establishing people from the community as teacher aides and teacher apprentices so that every child will have in-depth contact with a caring adult, and the teacher will be freed to teach.

Financing: The community school district will receive public funds directly from the presently existing sources of education money—the state, the federal government and the local government unit. State: The community school district would receive state moneys according to the existing provisions in the state law prescribing state money to school districts. Federal: Federal moneys would come to the school districts according to the existing provisions described in the Federal Elementary and Secondary Education Act. Local: A legal and formal agreement will be made whereby the local educational

dollar will be directed to each school district on a per student basis.

VI

It is of extreme importance that the Supreme Court's ruling on school desegregation be clearly understood. Confusion on this point has abounded, aided and abetted by those who have fallen into the trap of viewing desegregation as synonymous with integration. Integration is only one possible way—not necessarily the best or most pragmatic way—of desegregating and creating a unitary school system. The plan herein described is another way of desegregating and creating a unitary school system in a school district. It would destroy segregation, and it clearly provides for equal protection under the law. Moreover, unlike integration, this plan makes it easier to *guarantee* equal protection under the law.

A careful and unprejudiced reading of the decisions of the Supreme Court on school desegregation shows that this plan does not violate the letter or the spirit of the law.

The Supreme Court has ruled that each school board must run a unitary school system in a school district. That is, if there are white and black children in a school district, the school board may not set them apart.

Each district proposed in this plan would be run as a unitary system. Moreover, the process of redistricting proposed here can only be done with the consent of the persons affected and with the legal agreement of the state. This is equivalent to the parties to an action arriving at a settlement out of court, without violating any law.

Schools are the transmitters of values, the molders of self-image, the instrument for providing youngsters with the technical and psychological equipment necessary to function properly in this highly competitive society. The schools in most black communities have failed dismally on all three counts. They have not and will not, under the present school system, perform their proper function.

Integration as the means of addressing the educational problems of black people, even if attainable, is of questionable worth. Where integration has occurred, the

results suggest that it causes more problems than it solves.

Black people have tried everything there is to try under the present school structure. The escalating school crisis and the unprecedented hostility between blacks and whites are vivid reminders that patience is wearing thin all around. Blacks are now searching for a real solution, one which can provide dignity and true equality. We submit this plan as that solution.

Biographical Information

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Mr. Lee received his B.A. from Stephen F. Austin State College in 1956; his M.Ed. from North Texas State University in 1958 and the D.Ed. from Harvard University in 1961. He was assistant professor at the University of Texas, 1961-1963; assistant professor, Emory University, 1963-1966; associate professor, Emory University since 1966. Mr. Lee is the acting director of the Division of Educational Studies, Emory University, 1969-1970. He was president of the Association for Education of Teachers in Science, 1968-1969; member, Board of Directors, National Association for Research in Science Teaching, 1969-1970. Mr. Lee is author of the book, *New Developments in Science Teaching*, Wadsworth, 1968. He is the author of numerous articles on science education. Mr. Lee has been a member of the Editorial Board of the *Journal of Research in Science Teaching* since 1966.

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Mrs. Martin received her B.A., 1956, Fisk University, Nashville; LL.B., cum laude, Howard University, Washington, 1959. She was an assistant in the Office of the Secretary of the Department of Health, Education and Welfare, 1965-67. Director of Office for Civil Rights, Office of the Secretary, Washington, 1967-68. Mrs. Martin is a Fellow with the Washington Research Project. In 1968, Mrs. Martin received the federal woman's award of the U. S. Civil Service Commission, 1968; and distinguished service award for HEW, 1968. She is a member of the Ohio Bar Association.

J. Stanley Pottinger

Mr. Pottinger graduated in 1962 from Harvard College as a government major and received his LL.B. Degree from Harvard Law School, 1965. He was associated with the Broad, Busterud and Khourie Law Firm, San Francisco, California, 1965-69. From 1969 to March, 1970, he was regional attorney, U. S. Department of Health, Education and Welfare, Region IX, San Francisco, California. He assumed the position of Director, Office for Civil Rights, HEW, March, 1970.

Meyer Weinberg

Mr. Weinberg was educated in Chicago public schools, from kindergarten through junior college. He received the B.A. and M.A. from University of Chicago in 1942 and 1945 in history and social science. He taught at Wright branch of the Chicago City College from 1945 to 1967. He is now coordinator of innovations and master planning at City Colleges of Chicago. His publications include numerous books, articles and reviews. Mr. Weinberg has been Editor of *Integrated Education* magazine since its inception in January, 1963; author of occasional

articles in the magazine, plus the "Chronicle of School Integration" in each issue.

John L. Hayman, Jr.

Mr. Hayman received his undergraduate degree from the University of Alabama. Later, he received the M.A. from Syracuse University and the Ph.D. from Stanford. He also attended New York University and the University of Southern California. His professional career has been largely in educational research and evaluation. He was a research associate with the Institute for Communication Research at Stanford and directed a four-year educational television project in that position. After a brief stint as a survey specialist with the United States Information Agency, he became director of research for the Denver, Colorado, public schools; executive director of research and evaluation for the School District of Philadelphia; and director of research for the Council of the Great City Schools, the position he now holds.

Carl R. Hines

Mr. Hines, vice-chairman of the Louisville Board of Education, received his higher education at the University of Illinois, the University of Louisville, and attended the University of Louisville Law School. He served as a member of the district lines sub-committee of the Charter Committee for the merger of Louisville and Jefferson County Schools. He is a former member of the Board of the Louisville NAACP. He currently serves as Executive Secretary of the Louisville and Jefferson County Community Action Commission. Mr. Hines was appointed to the Louisville Board of Education in August, 1968, to complete the unexpired term of a resigning member and was elected to a full four-year term in November, 1968.

John Walter Letson

Mr. Letson received his B.S. from Auburn University, 1932; M.A., Columbia University, 1942; Ed.D., Columbia University, 1949; LL.D., Emory University, 1969 (honorary). He was superintendent, Bessemer Public Schools, Alabama, 1949-57; superintendent, Chattanooga Public Schools, Tennessee, 1957-60; superintendent, Atlanta

Public Schools, Georgia, July 1, 1960-. He was visiting professor, summer sessions: University of Florida, 1954; University of Florida, 1956; and Florence State College, 1957.

J. D. Prince

Mr. Prince received his B.S., Millsaps College, Jackson, Mississippi, 1949; M.Ed., Emory University, 1953; post-graduate study at University of Mississippi and University of Southern Mississippi (educational administration) I/D/E/A fellow. For the past 21 years, Mr. Prince has been teacher or school administrator in the public schools of the State of Mississippi, sixteen of which have been at McComb and five at Corinth. Ten of the 21 years have been spent as a school superintendent, five each at McComb and Corinth.

Victor Solomon

Mr. Solomon was born in Cuba. He came to the United States at age 11. In New York, he attended the Bronx High School of Science. He graduated from Oberlin College in Ohio, where he majored in geology. In 1966, after teaching a number of years in the public schools system, he came to Harlem CORE, first as education chairman, then vice chairman and presently chairman, and has devoted much time to developing and propagagating the concept of institutional control by the residents of Harlem and Harlem-type areas. Presently, Mr. Solomon is the chairman of New York-Harlem CORE, as well as first vice chairman of the National Board of Directors of CORE.